Appendix H Comments on SR-74 Initial Study with Proposed Mitigated Negative Declaration (Bound Separately)

The following are comments received during the Initial Study (Proposed Mitigated Negative Declaration [MND]).

Due to the nature of the comments received during the Initial Study (Proposed MND), the Department determined that an Environmental Impact Report (EIR) should be prepared. A Final EIR has been prepared and it addresses the substantive comments received. Additionally, technical studies were re-evaluated and/or updated to address the substantive comments.

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Final Environmental Impact Report

Appendix H

Public Comments on the Initial Study with Proposed Mitigated Negative Declaration

State Route 74

Lower Ortega Highway Widening

ORANGE COUNTY, CALIFORNIA DISTRICT 12 – ORA – 74, PM 1.0/1.9 EA 086920 SCH# 2007071038

Prepared by the

State of California Department of Transportation



November 2009

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Regional/Local Agency Comments



COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Speegle, Director 300 N. Flower Street Sauta Ana, CA

P.O. Box 4048 Santa Ana, CA 92702-4048

Fax: (714) 834-5188

Telephone: (714) 834-2300

NCL 07-015

August 08, 2007

Department of Transportation Environmental Planning Smita Deshpande, Environmental Branch Chief Attention: Iffat Qamar 33337 Michelson Drive, #380 Irvine, CA 92612

SUBJECT: MND for the State Route 74 Lower Ortega Highway Widening

Dear Ms. Deshpande:

The above referenced item is a Mitigated Negative Declaration (MND) for the Department of Transportation/Caltrans. The project proposes to widen SR 74 from two lanes to four through lanes from Calle Entradero in the City of San Juan Capistrano to the Orange County line.

The County of Orange has reviewed the MND and offers the following comments:

- 1. On page 1-3, the MND indicates that the Project Study Report was approved on December 15 in 1997. Please clarify the approving authority of this report.
- 2. On page 1-3, the term "PDT" is first used. This term should be spelled out the first time.
- 3. On page 1-4, and 1-8 the word "mainline" in the first sentence of the last paragraph should be replaced with the word "facility".
- 4. On page 1-8, under Section 1.5 Alternatives, the reference to the phrase "multidisciplinary team" should identify the participants.
- 5. On page 1-9, in the third paragraph, the statement that the entire construction of SR-74 (both City and County portions) would occur at the same time should be clarified by adding the phrase



- 6. On page 1-14, in the second paragraph, it should be clarified whether the "vertical walls with slump block finish" are a Type 1 retaining wall.
- 7. On page 1-19, in Section 1.7, the table indicates that the County will obtain the 401,404 and 1602 permits for the project. The agency to secure these permits has not yet been determined. Therefore the MND should be corrected to indicate that this issue is under discussion.
- 8. On page 2-4, in Table 2.1.1.1, the description of the Rancho Mission Viejo Plan should be corrected to indicate that the retail and business uses would be on 5,842 acres, not 5,848 acres.
- 9. On page 2-4, Table 2.1.1.1 states that the Ranch plan area is 22,850 acres. This should be corrected to state 22,815 acres.
- 10. On page 2-14, third paragraph, the discussion regarding information sources should be clarified to identify whether the Orange County Projections were also used.
- 11. The project discussion on page 2-20 seems to have conflicting statements regarding the impact of the project on intensification of uses in this area. Please clarify.
- On page 2-32, the discussion regarding the "ten sliver takes" that would be needed under the No Build Alternative' should be clarified, i.e., where are they, size, etc.?
- 13. On page 2-118 please clarify the reference to and role of the City of San Juan Capistrano with regard to SAMP.
- 14. On page A-5 of the Initial Study checklist, the discussion with regard to impacts of the project on community resources should be augmented to address regional impacts and benefits of the project.

Thank you for the opportunity to respond to the MND. If you have any questions, please contact Charlotte Harryman at (714) 834-2522.

Sincerely,

Ronald L. Tippets, Chief

Current and Environmental Planning





City of Mission Viejo

Office of the City Manager

Gail Reavis
Mayor
John Paul "J.P." Ledesma
Mayor Pro Tempore
Trish Kelley
Council Member
Lance R. MacLean
Council Member
Frank Ury
Council Member

3-2

September 4, 2007

Department of Transportation Environmental Planning Smita Deshpande, Environmental Branch Chief Attn: Iffat Qamar 3337 Michelson Dr., Ste. 380 Irvine, CA 92612-0661

Subject: Comments on Initial Study and Proposed Mitigated Negative Declaration regarding the proposed widening of State Route 74 (SR-74) from two lanes to four lanes from Calle

Entradero in the City of San Juan Capistrano to the City/Orange County line.

Dear Ms. Smita Deshpande,

The City of Mission Viejo appreciates the opportunity to review and comment on the initial study and proposed mitigated negative declaration regarding the proposed widening of Ortega Highway — State Route 74 from two lanes to four lanes per the referenced location. The City of Mission Viejo supports Caltrans efforts to provide a timely delivery of this project, which completes the planned widening of Ortega to comply with the Orange County Master Plan of Arterial Highways' (MPAH) designation of a four-lane primary between La Pata and Interstate-5 (1-5). The application of the roadway capacity based on the MPAH designation and the City of San Juan Capistrano's General Plan, has been included in the assumption of various south county development projects including Ladera Ranch Planned Community, Foothill Transportation Corridor — South, Ranch Plan Traffic Model. To delay the project will only cause traffic to divert to other local streets not designed to accommodate the existing and future traffic demands.

The Ortega Highway – SR74 is an existing roadway corridor, which has provided regional circulation since 1930. It is logical and long-standing (MPAH) location assumed for additional roadway capacity with the least amount of impacts. Any development along Ortega Highway occurring for at least the last 30 years should have been approved subject to the right-of-way roadway easements required per the MPAH. The City of Mission Viejo has the same or similar concerns than those raised by the City of San Juan Capistrano in their letter of June 6, 2006, that the project include the appropriate mitigations to specifically provide adequate landscape and streetscape treatments to replace the loss of existing trees and complies with the goals of their scenic highway element, provides adequate sound walls to mitigate noise impacts to adjacent properties, and adequately addresses pedestrian access with sidewalks/protected crosswalks. We applaud Caltrans efforts to work with the community of San Juan Capistrano (2000 to 2007), as discussed in the referenced documents, to address their concerns regarding these various local issues with the expectation of the inclusion of the selected alternatives into the final design or subsequent project. The terrain of the south county region, adjacent areas of protected habitat, and the number of historical sites limit the number of east-west arterials alternatives for south county. The only other parallel





alternatives that might provide interim capacity is the City of San Juan Capistrano's completion of the connection of San Juan Creek Road to La Pata (secondary per the MPAH).

While the initial study and proposed mitigated negative declaration provides a detailed evaluation of the existing operation of the two lane facility of Ortega Highway and the build-out traffic demands of 2030, we would express concerns over the lack of recognition that the impacts of a "no-build alternative" that we would express concerns over the lack of recognition that the impacts of a "no-build alternative" that causes Ortega Highway in the two-lane segment to operate at level of service "F" or a failed condition are immediate and not only a subject for the year 2030. A basic observation is that a two lane facility (one lane in each direction) per the MPAH is estimated to accommodate approximately 7500 to 10,000 ADT (Average Daily Traffic). It is our understanding that the Ladera Ranch Planned Community of 8100 (Average Daily Traffic). It is our understanding that the Ladera Ranch Planned Community of 8100 (average Daily Traffic). The existing 24,000 vehicles per day on Ortega is consistent with the 2020 estimated volumes of 27,000 vehicles per day. The existing two-lane roadway capacity of 10,000 ADT is easily exceeded. Current (not future) traffic volumes have reached the 20,000 to 30,000 ADT range that the MPAH indicates a four-lane primary is designed to accommodate.

In their approval of Ladera Ranch, the County of Orange prepared environmental studies to evaluate the future traffic impacts of the proposed Ladera Community development. The traffic study indicated that the widening of Ortega from two to four lanes was assumed and current Ladera Planned Community offsite mitigation measures include their participation in the cost of improvements on Ortega Highway between La Pata Avenue to Avenida Siega. The analysis was combined with the proposed extension of Antonio Parkway to Ortega (Antonio Parkway Roadway Alignment and Land Use Plan – State Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capistrano and in response to the identified Clearinghouse No. 94031075) at the request of San Juan Capi

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Again, we appreciate the opportunity to participate in this process and the extension of time to September 8, 2007 for public comments. Please provide us a copy of the response to comments and the final approval.

Respectfully submitted

Huns Wilberg

Denvis Wilberg





City of Mission Viejo

Office of the City Manager

Gail Reavis Mayor John Paul "J.P." Ledesma Mayor Pro Tempore

Trish Kelley Council Member Lance R. MacLean

Council Member Frank Ury Council Member

Same?

September 4, 2007

Department of Transportation Environmental Planning Smita Deshpande, Environmental Branch Chief Attn: Iffat Qamar 3337 Michelson Dr., Ste. 380 Irvine, CA 92612-0661

Subject: Comments on Initial Study and Proposed Mitigated Negative Declaration regarding the proposed widening of State Route 74 (SR-74) from two lanes to four lanes from Calle Entradero in the City of San Juan Capistrano to the City/Orange County line.

Dear Ms. Smita Deshpande,

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The traffic study for the Ranch Plan assumed that Ortega Highway widening to four-lanes was a committed or "existing" roadway improvement based on its status as a funded Caltrans project with County participation, listing in state/regional transportation improvement programs, and assumed in the SCAG (Southern California Association of Governments) transportation model. The Ranch Plan's required mitigations for traffic/circulation are based on this study. If the widening of Ortega Highway is delayed or deleted, then a viable alternative would be required to accommodate traffic that will soon almost double the existing volumes from 24,000 ADT to 42,000 ADT. Again, while this report discusses the direct impact to the segments of Ortega Highway that might be seriously delayed with the deterioration to level of service "F", it does not discuss the impacts of the traffic that will diverted to other streets to avoid the delays.

Again, we appreciate the opportunity to participate in this process and the extension of time to September 8, 2007 for public comments. Please provide us a copy of the response to comments and the final approval.

Respectfully submitted,..

Dennis Wilberg





"Shirley Land"
<sland@cityofmissionviejo.or
g>
09/07/2007 02:35 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject City of Mission Viejo Comments - Ortega Highway SR 74

Attached is a letter providing the City of Mission Viejo's comments on the Initial Study and Proposed Mitigated Negative Declaration regarding the proposed widening of State Route 74 (SR-74) from two lanes to four lanes from Calle Entradero in the City of San Juan Capistrano to the City/Orange County line.

A hard copy of this letter will also be sent via mail.

If you have any questions regarding the letter, please contact:

Shirley Land Transportation Manager City of Mission Viejo



(949) 470-3069 Ortega Letter to Caltrans.pdf

CHATTEN-BROWN & CARSTENS

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E-MAIL: ACM@CBCEARTHLAW.COM

September 6, 2007

Via Email (lower74_D12@dot.ca.gov)
Original to follow

Smita Deshpande, Environmental Branch Chief Attention: Iffat Qamar California Department of Transportation Environmental Planning 3337 Michelson Drive, #380 Irvine, California 92612

Re: Comments on Mitigated Negative Declaration for State Route 74 Lower Ortega Highway Widening

Dear Mr. Qamar and Ms. Deshpande:

On behalf of the City of San Juan Capistrano ("City"), we provide these comments on the mitigated negative declaration (MND) prepared for the State Route 74 Lower Ortega Highway Widening Project (the "Project" or "highway widening Project"). The City considers the portion of the Ortega Highway proposed for widening in this Project to be the most scenic road in the entire City, and it is designated as a scenic highway by both the City and the County. Due to the abundance of mature trees and other vegetation along this portion of the highway, and the rural nature of the surrounding area, it is enjoyed by residents, equestrians, and travelers alike. The Project would have many significant adverse environmental impacts on the highway, the surrounding area, and those who use the highway, adversely impacting the rural and equestrian setting of the area, removing many trees and other vegetation, heavily impacting nearby residents during construction of the Project, and by the increased traffic the expansion would allow.

An environmental impact report ("EIR") must be prepared and certified, rather than the proposed MND, because there is substantial evidence to support a fair argument that the Project may, and in fact will, have significant adverse environmental impacts in the areas of aesthetic, noise, traffic, air quality, land use, safety, water quality, geotechnical, biological, cumulative and growth inducing impacts. Further, the MND's analysis of impacts is legally inadequate, as the MND fails to clearly describe the Project and its many impacts. The MND also attempts to mitigate the Project's many impacts



Caltrans
September 6, 2007
Page 2 of 25

with measures that have been improperly deferred. If the Project does ultimately go forward, the City requests that additional mitigation measures be included to reduce some of the significant environmental impacts of the Project.

Attached to this letter are expert reports that further detail the substantial evidence of significant adverse impacts. These reports cover the following areas of particular concern to the City: analysis of land use and aesthetic impacts by Sandra Genis (Attachment 1 "Genis Report"); analysis of traffic impacts by Minagar & Associates, Inc. (Attachment 2 "Minagar Report"); and analysis of noise impacts by Michael Hendrix (Attachment 3 "Hendrix Report"). These experts' respective curriculum vitae or resumes also are attached. In this letter, we have highlighted some of the concerns contained in their analyses.

I. AN EIR IS REQUIRED

The MND and the Project need to be disapproved as proposed. CEQA requires preparation of an EIR whenever a project may have a significant adverse impact on the environment. (Pub. Resources Code § 21151.) "If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have a significant impact." (Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988, 1001.) Thus, an MND is appropriate only when, due to the nature of the project or the mitigation measures that have been accepted by the project proponent before the CEQA review process begins, there is not a fair argument that there may be adverse impacts.

According to Public Resources Code section 21064.5:

"Mitigated negative declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment."

Additionally, "the significance of an activity may vary with the setting." (CEQA Guidelines § 15064 (b).) For example, the threshold for finding air quality impacts to be cumulatively significant will generally be lower in polluted airsheds than in cleaner ones. (Kings County Farm Bureau v. City of Hanford

Caltrans September 6, 2007 Page 3 of 25

(1990) 221 Cal.App.3d 692, 718-721.) Similarly, the analysis of the significance of a project's traffic impacts necessarily depends on its existing environmental setting. (City of Orange v. Valenti (1974) 37 Cal.App.3d 240, 249.) The impacts of a highway widening project such as this might have fewer impacts in a less scenic area, but has significant impacts in the rural setting for which it is proposed.

Because there is substantial evidence to support a fair argument that there may be significant adverse impacts, even after mitigation, an EIR must be prepared, circulated, and ultimately certified, that accurately describes the Project, assesses the Project's significant impacts, and identifies mitigation measures that can reduce those impacts, and describes and compares the environmental impacts of potentially feasible alternatives. Ultimately, the Project may not be approved if there are significant adverse impacts unless all feasible mitigation measures or alternatives have been adopted.

A. Aesthetic Impacts of the Project Would be Significant

"[A]ny substantial, negative effect of a project on view and other features of beauty could constitute a "significant" environmental impact under CEQA." (Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1604.) According to the California Court of Appeal, lay opinions that articulate the basis of the opinion can constitute substantial evidence of a negative aesthetic impact. (Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District (2004) 116 Cal.App.4th 396, 402.) Expert testimony on the matter is not required because the overall aesthetic impact of a project is a subjective matter for which personal observations are sufficient evidence of the impact. (Id.; Oro Fine Gold Mining Corp. v. County of El Dorado (1990) 225 Cal.App.3d 872, 882.)

The proposed Project site is currently a two lane highway in a rural setting, idyllically lined on both sides by large trees and swaths of green vegetation. There are meandering sidewalks on the both sides of the street and an equestrian trail on the north. The rural nature of this highway is enhanced by features such as a small fruit and vegetable stand on the north side called Tanaka Farms, where motorists can stop and shop for fresh fruits and vegetables. The land on the north side of the Ortega Highway in the area of the proposed Project is gently to steeply sloping. The area surrounding the Project site is all residential, very low density to the north, and medium low to low density on the south side. The Ortega Highway in this portion of the City has been designated a scenic corridor because of its scenic qualities that "provide the public with a visual image of the quality of life envisioned by the community." (San Juan Capistrano General Plan, Community Design Element, p. 11.)



Caltrans September 6, 2007 Page 4 of 25

The proposed Project will substantially degrade the existing visual character and the bucolic quality of the area by ripping out over 100 mature trees and other vegetation, cutting into the hillside to install 25 foot retaining walls on the north side of the road, and potentially installing 14 foot tall sound walls on the south side of the Project site.

The visual assessment report contained in the MND recognizes that area residents have a high sensitivity to change when evaluating the aesthetic impacts of projects. The significance of aesthetic impacts is, to some extent, subjective, and in this instance, those that would be most impacted find this Project to have a significant aesthetic impact. The City has received numerous letters, emails and phone calls from area residents objecting to the Project's visual degradation of this scenic area, and those letters and e-mails have been submitted to the California Department of Transportation ("Caltrans"). Residents would no longer be able to enjoy the sight of numerous large trees lining the highway. They would also have their views of the surrounding hills and the San Juan Creek Valley reduced by the large retaining and sound walls. Additionally, the walls would be visually unappealing to travelers on the road, significantly reducing the current rural feel of the area. Instead of a gradual rise to the vegetated slopes to the north, the retaining walls would provide a sharp division that will be felt by those viewing the road.

There exists a fair argument that the drastic changes in the area's aesthetics that would be caused by Project would be a significant impact. Courts have found that such aesthetic impacts that are objected to by those who will most often view it, are significant for purposes of CEQA review. In Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District (2004) 116 Cal.App.4th 396, the court held that the placement of an aluminum cover on a reservoir, which would be visible from private residences as well from a hiking trail, was a significant impact even though landscaping of the area was proposed as mitigation. (Id. at p. 402.) The court also found that while the significance of this impact could be subjective, that there were more than just "a few people expressing concern about the aesthetics of the project." (Id. at p. 403.) As is the situation here, in addition to the area homeowners that objected to the project in Ocean View Estate Homeowners Assoc. v. Montecito Water District, the County of Montecito also had requested additional mitigation because it found the aesthetic impacts to be significant.

Similarly to the Montecito Water District, here Caltrans improperly discounts the high aesthetic value of the Project site to conclude there would not be a significant aesthetic impact. The MND also improperly concludes that mitigation measures, such as landscaping, "aesthetic treatment or texture" to be applied to the retaining walls, and replacement of removed trees elsewhere in the City, would reduce any aesthetic impacts to a less than significant level. As discussed below, many of these mitigation measures are improperly deferred and therefore cannot be considered as certain reduction of the Project's impacts. Even if these measures were all included, the Project would still have

a significant aesthetic impact. The highway would no longer be lined with many large trees because Caltrans guidelines "prohibit the placement of large street trees within the clear recover zone for speeds posted above 35 mph." (MND, p. 2-56.) Replacement of the removed trees would therefore occur at another location, doing nothing to mitigate the impact of their loss at the Project site. An aesthetic treatment of the retaining walls would not take away from the fact that would be a 5 to 25 feet tall wall separating the highway from the rural area. The look and feel of the area will be forever changed by the Project. Many area residents, as well as the City where the Project will be located, disagree with the MND's conclusion that the aesthetic impacts will not be significant. As in Ocean View Estates Homeowners Assoc. v. Montecito Water District, the large outpouring of objections to the Project's aesthetics should support a finding that the Project will have significant aesthetic impacts, thus requiring the preparation of an EIR.

B. Construction Noise Impacts of the Project Would be Significant

The MND fails to adequately analyze and mitigate the significant construction noise impacts the Project would have. The MND provides two thresholds for determining whether a noise impact is significant: if the Project causes an increase of 12 decibels ("dBA") or more in noise levels (MND, p. 2-102); or if the Project noise levels would be above 67 dBA. The construction noise impacts would exceed both of these thresholds of significance.

Currently, noise levels in the Project area are between 53 dBA and 73 dBA. The MND acknowledges that construction noise from the Project will be at levels of 70 to 90 dBA (MND, p. 2-115), which would result in an increase in noise levels of more than 12 dBA from the existing conditions. This is a significant impact. Construction noise levels of 70 to 90 dBA would also greatly surpass the 67 dBA noise level threshold set by Caltrans. This would be the noise level at 50 feet from the construction equipment. Residential property would be within 50 feet from the construction equipment, because the Project site abuts residential property to the north and south its entire length. These impacts were not evaluated, nor were they mitigated. There is a fair argument they will remain significant based on Caltrans own admission as to noise levels, requiring preparation of an EIR. Caltrans improperly dismisses these noise impacts claiming they are temporary and would be dominated by traffic noise, but the construction noise impacts would be much louder than the predicted traffic level noise impacts. (MND, p. 2-115; Table 2.2.6-3.)

Additionally, the construction noise level could be far higher, and well above even 90 dBA, based on the figures set forth in the MND's Route 74 Noise Analysis Report ("Noise Report"). (Noise Report, p. 45.) This is because 90 dBA is the maximum noise level for a single piece of equipment. This is louder than the noise experienced standing



Caltrans
September 6, 2007
Page 6 of 25

only three feet away from an operating garbage disposal. (*Id*, at p. 14.) To calculate the cumulative noise of many pieces of machinery operating at the same noise level, either the noise level from the loudest piece of equipment will prevail, or if all pieces of machinery have the same noise level, 3 dBA would be added to the noise level for each additional piece of equipment operating at that level. For instance, if there are five pieces of equipment operating at 85 dBA, the cumulative noise level would be 85 dBA plus 12 dBA, resulting in a cumulative noise level of 97 dBA. (*Id*. at p. 44-45) It is inconceivable that the noise levels of 90 dBA or more that would be experienced at the residences adjoining the Project site would not cause a significant noise impact.

The MND also fails to analyze the construction noise from the asphalt batch plant or plants that would be part of the Project. The MND claims the batch plant will be located outside of the City, but no proposed location is included in the document. The location of any batch plants and the noise levels it would produce must be disclosed so that these impacts can be properly analyzed and mitigated. The placement of a batch plant, which can have high noise levels, near or in a predominately residential area, could have very significant impacts.

C. Traffic Noise Impacts Would be Significant

The MND and the Noise Report that is an appendix to the MND evaluated 13 locations for sound walls as mitigation for the significant traffic noise impacts the Project would have on residences directly to the north and south of the Project site. Even though future noise levels from the Project would be above the threshold of significance set by Caltrans at 67 dBA [which is too high, for the reasons set forth in section II.B.2.b] at all 13 locations, the MND's Noise Report only recommends that two sound walls be included as mitigation (Noise Report, p. 33-39), and even that recommendation is tentative and may change. Specifically, the MND proposes that sound walls be included at locations identified in the MND as sound wall 2 and sound wall 3 on the southern side of the Ortega Highway between Via Cordova and Via Cristal and between Vial Cristal to Vial Errecarte. (MND p. 2-115 to 2-116.) The MND improperly rejects the installation of additional sound walls that would reduce a significant noise impact, on the basis of cost.

According to the Noise Report, Caltrans limits the number of sound walls on the basis of what is both feasible and reasonable, as defined by Caltrans. Under Caltrans' noise analysis, a 5 dBA or more reduction in sound is required for a mitigation measure to be considered feasible, whereas reasonableness is assessed based on a formula that allows only a certain cost for mitigation for each residence that would be protected. (Noise Report at pp. 33, 39, 41-42.) While 11 of the analyzed sound walls were determined to be feasible (meaning they would greatly reduce the significant noise impacts of the

Caltrans
September 6, 2007
Page 7 of 25

Project), the Noise Report found only one sound wall to be reasonable, based on cost effectiveness (*Id.* at p. 40), although the MND does recommend installation of a wall at one more location. However, the Noise Report also states that if during the design phase "the barrier cost is determined to be above the reasonable allowances, the barrier might not be provided." (*Id.* at p. 43.) The MND also concedes that if conditions change, which presumably could mean if the cost of sound walls is more than the initial estimate, then it is possible no walls would be included. (MND, p. 2-116.)

At all of the sound wall locations evaluated in the Noise Report, future noise levels will exceed the 67 dBA threshold of significance. (Noise Report, pp. 4-5.) Therefore, because only two of the eleven locations that were analyzed would have a sound wall, noise impacts at all other locations will remain significant and unmitigated. Even if economic factors would limit the mitigation that could be included in the Project, the fact that these impacts remain significant without mitigation must be addressed in an EIR. The expense of a mitigation measure in comparison to its ability to reduce a significant impact must be evaluated in an EIR. The MND's conclusion that traffic noise impacts would not be significant is not supported by the findings of the Noise Report. The Project increases transportation noise, which impacts the surrounding sensitive land uses. These noise impacts are not properly mitigated and remain significant, in violation of the City's Noise Ordinance and General Plan Noise Element, in part because it is possible no sound walls at all would be provided based on the costs of the wall, and clearly most areas would not be protected by sound walls. (Genis Report, p. 3-4)

D. The Project Would Have Significant Traffic Hazard Impacts Requiring Installation of Crosswalks and Traffic Signals

The Project would widen the Ortega Highway and provide for high speed traffic, making conditions more dangerous for pedestrians and equestrians attempting to cross the highway. (Genis Report, p. 2.) The Project site includes eight intersections, but the Project includes no crosswalks. This is true even though the road is being doubled in width, which will make it more difficult for pedestrians to cross. In addition to the residents in the neighborhood, students from nearby schools will likely cross the Ortega Highway. (Hendrix Report, p. 5.) The MND should evaluate the Project's compliance with the Federal Highway Administration's "Safe Route to School Program," which calls for sidewalks, crosswalks, and traffic signals to improve pedestrian and thereby student safety. (*Ibid.*) This failure to provide a connection between the north and south sides of the Ortega Highway would also result in a division between these two communities. (Genis Report, p. 2.)

The lack of traffic signals would result in a hazard for motorists as well as pedestrians and equestrians. Instead of including a traffic signal as requested by the City,



Caltrans September 6, 2007 Page 8 of 25

the MND states that u-turns will be allowed for those unable to make left hand turns onto the Ortega Highway due to traffic volume. (MND, p. 2-33, 2-42) Failing to provide a traffic signal and encouraging those that need to make a left hand turn onto the Ortega Highway to instead enter the Ortega Highway with a right turn and then make a u-turn in the middle of the Highway, encourages unsafe driving. (Minagar Report, p. 7-8.) An independent computer analysis prepared by Minagar and Associates shows excessive delays on side streets at unsignalized intersections. It also shows that the MND is based upon incorrect Levels of Service (LOS) for these side streets. (*Id.* at p. 8.) Based on Minagar's independent analysis, signals also are needed at Via Cordova and Avendia Siega. (*Ibid.*) A lack of signals would create unsafe conditions for those engaged in uturns, and for pedestrians, bicyclists and equestrians. This is a significant and unmitigated impact that would result from the Project.

5

The MND claims that there is not sufficient need to warrant the installation of a crosswalk or traffic signal. (MND, p. 2-40 to 2-41.) "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines § 15064 (g).) Thus, even if the Caltrans' consultants disagree with such assessments, an EIR should be prepared to resolve the disputes. (City of Carmel-by-the-Sea v. Board of Supervisors (1986) 183 Cal.App.3d 229, 247-249 [expert disagreement about extent of a wetlands required preparation of EIR to resolve dispute]; Friend of Old Trees v. Department of Forestry and Fire Protection (1997) 52 Cal.App.4th 1383, 1398-1403 [expert dispute regarding project's impacts on water supplies required further environmental review].) Because the Minagar Report conflicts with the findings of the MND's traffic analysis, showing a significant impact where the MND claims there is none, an EIR is required to resolve the conflicts.

E. The Project Would Conflict with General Plan Policies

The Project also appears to have significant land use impacts. At stated above, the Project divides the surrounding community by failing to provide any crosswalk or stoplight, and it is also incompatible with adjacent equestrian uses. (Genis Report, p. 2.) The Project also conflicts with several goals of the City of San Juan Capistrano's General Plan, resulting in a significant land use impact. Planning expert Sandra Genis prepared a report on the land use impacts of the Project, which is attached to this letter. The highlights of that report not previously discussed are summarized here.

The Project conflicts with several policies and goals of the City's General Plan.

Land Use Goal 7 requires that projects enhance and maintain the character of neighborhoods, while Goal 2 directs growth in a manner to preserve community character. Land Use Policy 2.2 requires assurances that new developments are consistent

Caltrans September 6, 2007 Page 9 of 25

and compatible with surrounding neighborhoods. Conservation and Open Space Goal 4 prohibits developments that are incompatible with the preservation of scenic or historic resources, or public safety. The Project could violate these policies because it would degrade the quaint rural nature of the community by widening the highway and erecting retaining walls that are up to 25 feet tall, as well as potentially installing 14 foot tall sound walls. (Genis Report, p. 2-4.)

The Project may also have land use impacts as a result of its failure to provide for the preservation of open space, natural features, and the scenic corridor, in conflict several General Plan goals and policies. (Genis Report, p. 3) The Project further conflicts with the City's General Plan by failing to minimize land use conflict between automobiles, commercial vehicles, pedestrians, horses, and bicycles. (*Ibid.*)

F. The Project Would Have Significant Growth Inducing Impacts

Under section 15126.2(d) of the CEQA Guidelines, the environmental review document must discuss "the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." A growth inducing impact may come from a project that removes obstacles to population growth. (CEQA Guidelines § 15126.2(d).) An EIR, instead of a MND, is required when a project that viewed by itself seems limited, but that could function as a catalyst for foreseeable future development. (City of Antioch v. City of Pittsburg (1986) 187 Cal.App.3d 1325.) In City of Antioch, the city had prepared a negative declaration for a proposed road and sewer construction project. The Court of Appeal found an EIR was required to consider the growth inducing impacts of the proposed project. (Id. at 1337-1338.)

The Ortega Highway is currently approaching capacity and the Project would double its capacity, allowing more people to commute between Riverside County and Orange County, and thus encouraging growth in western Riverside County. (Genis Report, p. 4.) The MND claims that the road widening would not have any growth inducing impacts because it would not have capacity beyond what is required for existing and approved uses. This claim is not supportable because the MND shows an excess of capacity (more than 2000 peak hour volume) would result with the Project in the year 2030. (MND, p. 2-37.) The MND acknowledges that there are large amounts of undeveloped land in Riverside County (MND p. 2-18 to 2-19) but inaccurately claims that the Project will have no impact on development in western Riverside County, even though the Ortega Highway is used as a commuter road for those living in Riverside County and working in Orange County. (MND, p. 2-20.) By increasing the capacity and thereby shortening the commute time, the road widening Project would increase the desirability of living in less expensive Riverside County communities and working in the



Caltrans September 6, 2007 Page 10 of 25

more job rich Orange County communities. Regional growth impacts must be considered, not just those in San Juan Capistrano. Additionally, without the road widening, it would be difficult to access the approved development at Rancho Mission Viejo. Further, entitlements to the Ranch Plan area could not be exercised without additional roadway capacity. Thus, the road widening facilitates the growth in the Ranch Plan area. (Genis Report, p. 5.)

G. The Project Would Have Significant Cumulative Impacts

The Project also appears to have significant cumulative impacts that were not properly analyzed. There are several other adjacent or very nearby highway expansion projects that should be studied simultaneously with the proposed Project, particularly the cumulative construction impacts of so many adjacent road construction projects going forward at the same time. The I-5/Ortega Highway interchange project should be studied in connection with the Project so that phasing of the impacts from construction can be considered. (MND, p. 2-146) The I-5/Ortega Highway interchange project is tied to the highway widening Project in the San Juan Capistrano Strategic Transportation Plan, and this link should be studied as part of the environmental review. (Attachment4, San Juan Capistrano Strategic Transportation Plan.) Also the impacts of the nearby Ortega Highway and Antonio/La Pata Avenue intersection improvements (MND, p. 2-147), should be considered in connection with this Project.

When the possible effects of a project are "individually limited but cumulatively considerable," a finding that the project may have a significant effect on the environment must be made. (Pub. Res. Code § 21083.) When an unmitigated cumulatively considerable impact is found, an EIR must be prepared. (CEQA Guidelines, § 15065.) The MND states that with mitigation included for project level impacts, cumulative impacts would be reduced to a less than significant level. (MND, p. 2-153.) As set forth in this letter, the Project's many impacts have not included adequate mitigation. Therefore, cumulative impacts have also not been adequately mitigated.

Additionally, the Project may have cumulative water quality impacts due to run off into the San Juan Creek, but those impacts that have not been properly analyzed. The San Juan Creek already has poor surface water quality due to runoff from urban and residential developments. (MND, p. 2-77.) It is currently designated as impaired under the Clean Water Act. (MND's Water Quality Report, p. 7.) This Project would increase the amount of runoff by increasing the amount of impervious surface, and the additional pollutants from more cars, thereby further reducing the water quality in the Creek. The MND downplays the water quality impacts the Project would have, claiming the runoff coefficient would only increase from .87 up to .88. (MND, p. 2-79.) Because the Creek is already impaired, even a small amount of additional pollution may have a cumulatively



Caltrans September 6, 2007 Page 11 of 25

considerable impact, in the same way that additional traffic "should be considered significant in light of the serious nature" of the problems already existing with the roadways around the Project site. (Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal. App.4th 1019, 1025 -1026.) The MND acknowledges that even after mitigation, the Project would "minimally contribute to the cumulative (negative) effect on the water quality and hydraulic function of the San Juan Creek Watershed." (MND, p. 2-151.) The purpose of cumulative impact analysis is to find impacts that would otherwise be considered minimal, but, along with other projects, would add to a problem. If each project increases the runoff into the already impacted San Juan Creek, even minimally, this could add up to a significant water quality impact. The threshold for measuring this cumulative impact is especially low when there is an existing problem, such as the existing poor water quality is here.

II. APPROVAL OF THE MND

A. The Project Description is Not Adequate

Despite its length, the MND fails to give the public a clear picture of the Project, leaving the development of many aspects of the Project to what is referred to as the "design phase." (MND, p. 2-86, 2-115) All "design issues" of the Project, including whether there will be sound walls, the type of retaining walls, the inclusion of a sidewalk, landscaping, the number and location of replacement trees, and other mitigation measures are left up in the air in the MND. The information contained within the MND is to be used as a basis for the decision on what would be the least impactful means for the project to proceed. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District (1988) 202 Cal.App.3d 1136, 1143. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs..." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192-193.)

Some aspects of the Project are left out of the MND's discussion entirely. The location of the staging area required for construction and of the asphalt batch plant is not disclosed in the MND. The MND only says that no staging area will be within the City limits. (MND, p. 1-9.) However, this is not a required condition of the Project and therefore is not legally binding. There is also no indication as to the amount of grading that will take place as part of the Project. (Genis Report, p. 1.) The MND fails to identify the street lights that will be removed. (Genis Report, p. 2.) There is uncertainty on how many, if any, sound walls will be constructed, and what kind they would be. (*Ibid.*) The MND discusses two very different types of sound walls: glass walls that would maintain

the existing scenic views or opaque "Sound Fighter" walls that could eliminate reflective noise but block views for residents to north. (MND, p. 1-14.) There is also uncertainty as to what type of retaining walls will be included. (Genis Report, p. 2.) Retaining walls are required for the Project to protect slope faces after the toes of the slopes are cut and vegetation is removed. According to the MND, there are four different types of retaining walls that could be used for the Project, but the aesthetic treatment of each type of wall is not specified. (MND, p. 2-86.) Also, the height of the retaining walls is stated at one place in the MND as varying from 5 to 25 feet (MND, p 1-14), while another page of the MND states that all of the retaining walls would be 25 feet in height (MND, p. 1-13). These aspects of the Project must be clearly described to allow for "intelligent evaluation of the potential environmental effects of a proposed activity." (McQueen, supra, 202 Cal.App.3d 1136, 1134.)

B. The Analysis of Impacts Is Inadequate

The assessment of impacts contained in the MND contains many flaws in analysis and logic, as well as an incorrect statement of site conditions. These inadequacies must be corrected in an EIR for the Project.

1. Aesthetic Impact Analysis is Inadequate

a. The visual assessment for the MND contains inadequate analysis of the Project's aesthetic impacts.

The MND's failure to acknowledge that the Project will have significant aesthetic impacts, even with mitigation, is likely due in part to its inadequate analysis of this impact. The Visual Impact Assessment included in the MND relies upon the Federal Highway Administration's Guidelines for evaluating aesthetic impacts, but applies the criteria for evaluation found in those guidelines to an incorrect Project site description. The Visual Impact Assessment included in the MND incorrectly rated the Project area as having a low value for land form. (Visual Impact Assessment, p. 16.) The low value the MND assigned to the area's land forms is appropriate for a relatively flat landscape. (Genis Report, p. 5.) However, the Project site is an area of varied elevations, with steep slopes on the northern side. Therefore, it deserves a higher rating as to land form. (Genis Report, p. 5 and attached topographical map.) By improperly rating the land form as having a low value, the MND fails to analyze the true significance of the aesthetic impacts.

The MND also claims that the value of views is reduced due to haze from coastal moisture. (Visual Impact Assessment, p. 13) However, the site is approximately four miles from the coast. No photographs show there being any haze in the area. The Visual

Caltrans September 6, 2007 Page 13 of 25

Impact Assessment incorrectly analyzed the view conditions for the Project site by claiming that views were reduced due to haze when they are not.

In addition, the visual renderings of the Project included in the MND do not provide view simulations from an adequate number of locations to allow a proper analysis of the aesthetic impact this Project would have. Additional simulations that should be required include: eastbound from view point 1 (MND, p. 2-49 to 50); a view of the proposed sound wall from the south side residents' perspective; a view simulation from the equestrian trail; a closer view of the proposed changes to the entrance to the Tanaka Farms; and view simulations from residences on the north side of the Ortega Highway. Further, it is impossible to confirm whether the renderings are accurate because no data is provided as to the cut of the slopes, and the height of the walls could vary greatly. (Genis Report, p. 5.) The City believes that the photographs contained in the MND do not provide adequate detail in order to allow the decision maker to fully appreciate the setting of the Project and the impacts the proposed Project would have. We have therefore attached additional photographs to this comment letter. (Attachment 5, photographs of Project site and declaration.)

b. The MND fails to analyze the Project's impact to the Ortega Highway's scenic corridor designation.

The MND's aesthetic section does not analyze the Ortega Highway's designation as a seenic highway by both the City of San Juan Capistrano and County of Orange, and the impacts the Project would have on that designation. The City's General Plan requires that scenic corridors be preserved and enhanced. (San Juan Capistrano General Plan Community Design Policy 3.3.) The proposed Project does not preserve or enhance this rural setting. The Community Design Element also requires the imposition of several mitigation measures, discussed below in section II.D.1, that were not identified or analyzed in the MND. Use of innovative design features for bicycles, sidewalks, equestrian trails, boundary walls, and parkways are required by the General Plan. (Community Design Element p. 11.)

The Ortega Highway is also designated as a Landscape Corridor by the County of Orange's General Plan. (Attachment 6, excerpts of County of Orange's General Plan.) According to the County's General Plan, "A landscape corridor traverses developed or developing areas and has been designated for special treatment to provide a pleasant driving environment as well as community enhancement. Development within the corridor should serve to complement the scenic highway." (County General Plan, p. IV-38.) The MND entirely fail to analyze whether the Project complies with the County's Plan. Though the MND implies the Project will comply with the City's Plan, by widening the highway, removing numerous mature trees, and replacing them with large



Caltrans September 6, 2007 Page 14 of 25

retaining and sound walls, the Project fails to complement the scenic highway, and instead would degrade the current visual setting, in violation of both the City and County Plans.

c. The MND failed to analyze impacts of sun and shade, as well light and glare.

The MND fails to analyze impacts from shade and shadows that would be caused by the proposed sound walls. (Genis Report p. 6.) If the Project were to include 14 foot tall sound walls, these could cast a shadow in excess of 40 feet to the southwest in the afternoon sun. (*Ibid.*) This could potentially affect the surrounding residents' use and enjoyment of their yards, many of which contain swimming pools. (*Ibid.*)

Street lights would also be relocated as part of the Project, but the impact of lights in new locations was not analyzed and the location of these lights was not disclosed. (Genis Report, p. 6.) The MND further fails to analyze the impact from new light and glare from the additional traffic and closer traffic that would intrude into the rural setting. The MND also fails to analyze whether there would be any glare if the glass sound walls were to be included in the Project.

d. The MND fails to analyze potential impacts from graffiti on retaining and sound walls.

The retaining walls, as well as the sound walls, could attract graffiti. (Genis Report, p. 6.) The large flat surfaces that would be viewed by the many travelers on the Ortega Highway, would serve as an attractive location for the placement of graffiti. The MND fails to analyze the potential for this impact, and therefore fails to include mitigation in the Project that would reduce the impacts significance.

- 2. Noise Impacts Were Inadequately Analyzed
 - a. The MND fails to analyze whether construction noise will violate the City's Noise Ordinance.

The MND claims that construction noise impacts will be mitigated by Caltrans compliance with the Caltrans Standard Specification 7-1.011, requiring compliance with local ordinances and the use of mufflers on construction equipment. The MND's Noise Report states that following Specification 7-1.011 would require that between 9 pm and 6 am the noise levels would have a limit of 86 dBA at 50 feet. (Noise Report, p. 45.) However, the MND fails to analyze the Project's compliance with the City of San Juan Capistrano's Noise Ordinance. The night time noise level limits set out in the MND's

10 A.

Caltrans
September 6, 2007
Page 15 of 25

Noise Analysis Report greatly exceeds the noise limits set for these hours by the City's noise ordinance. Section 9-3.531 of the City's Municipal Code sets a standard of only 45 dBA for the hours of 10 pm to 7 am, and prohibits exceedance of this standard by more than 10 dBA for any period between those hours. Construction is specifically *not* exempt from this prohibition. (San Juan Capistrano Municipal Code § 9-3.531(d)(4).) The MND fails to analyze whether the Project would comply with the City's noise ordinance.

b. The MND applies an incorrect standard to evaluate traffic noise impacts.

Caltrans evaluates the traffic noise impacts of the Project by using the Federal Highway Administration's Noise Abatement Criteria, which sets the standard of 67 dBA. Caltrans must evaluate the impacts of the Project within the context of the environment where those impacts would occur. Because the Project site is located in the City of San Juan Capistrano, the noise evaluation must also evaluate the Project's compliance with the City's Noise Ordinance. (Hendrix Report, p. 2.) The City of San Juan Capistrano's exterior noise standard for residential areas is instead 65 dBA. Additionally, the City of San Juan Capistrano has an interior noise standard of 45 dBA Community Noise Equivalent Level for residential land uses that was not evaluated or discussed at all in the MND. (Hendrix Report, p. 2.)

d. The MND fails to analyze impacts from groundbourne vibrations.

The MND shows that pile driving may be necessary for the construction of the retaining walls. Pile driving and other construction activities would likely cause groundbourne vibrations, but these were not analyzed in the MND. (Hendrix Report, p. 2-3.) Pile driving can create noise and vibrations that can be heard and felt over a mile from a construction site. (Genis Report, p. 7.) By failing to analyze the potentially significant impacts of groundbourne vibrations, the MND fails to require mitigation for these impacts. As discussed below in section II.D.2, there are several mitigation measures that could be implemented as part of the Project that would reduce the severity of impacts from vibrations on the adjacent residences.

3. The Traffic Analysis for the Project Contains Numerous Flaws

Included in this comment letter is a traffic analysis prepared by traffic expert Minagar & Associates, Inc. The Minagar Report finds numerous errors in the traffic analysis prepared for the MND. A critique of the MND's traffic analysis was also prepared by expert environmental consultant, Michael Hendrix.



Caltrans
September 6, 2007
Page 16 of 25

a. The MND underestimates the traffic volume for the Ortega Highway requiring additional analysis.

The traffic analysis contained within the MND is inadequate for several reasons. First, it fails to include the current existing turn lanes in its analysis. (Minagar Report, p. 5) Second, the traffic conditions used as a baseline for the analysis of the Project are outdated. (Id. at p. 6.) The traffic analysis in the MND uses traffic data from 2003, four years ago, and then estimates 2005 traffic levels using that data. This does not give an accurate assessment of the existing traffic conditions. Finally, the MND underestimates truck traffic on the Ortega Highway. (Id. at p. 7.) The inaccuracies in the MND's traffic analysis results in an underestimation of traffic impacts from the Project. (Id. at p. 10.)

The MND should also identify what future growth factors were used to project future traffic levels. (Minagar Report, p. 8-9.) It is unclear from the traffic analysis contained within the MND whether the many proposed and approved projects that would use the Ortega Highway were taken into consideration when estimating future traffic conditions. (*Ibid.*) Also, the MND fails to identify whether this section of the Ortega Highway would be used as a haul route for the Ranch Plan construction that will take place over the next 10 to 20 years.

The Minagar Report provides significant evidence that the current and future traffic volumes may be higher than those disclosed in the MND. These increased levels of traffic may exceed the threshold of significance for increases to traffic volume, requiring further study of the impact and additional analysis of mitigation measures. (Minagar Report, p. 10.)

b. The MND fails to analyze the Project's compliance with local, regional and statewide traffic policies.

The MND fails to evaluate the Project's compliance with the San Juan Capistrano Strategic Transportation Plan. (Minagar Report, p. 8; see also attached Strategic Transportation Plan.) The Strategic Transportation Plan requires that prudent traffic diversion strategies for the widening of the Ortega Highway be identified prior to installation of the Project. No such strategies for the Project were analyzed. As stated by the Strategic Transportation Plan, without such strategies, traffic volumes could increase, exacerbating traffic congestion. (Strategic Transportation Plan, p. 10.) For instance, the Strategic Transportation Plan requires that the I-5/Ortega Highway interchange project be implemented prior to the highway widening Project, to prevent an exacerbation of existing congestion at the interchange. (*Ibid.*; see also Minagar Report, p. 8.) The Project is not conditioned upon the prior implementation of the interchange project, and therefore may result in significant traffic impacts at that site.

Caltrans September 6, 2007 Page 17 of 25

The MND should also recognize and discuss the impact of the Project's incompatibility with local, regional and statewide policies to support alternative transportation. (Hendrix Report, p. 6.) These policies require that projects include methods to encourage the use of alternative transportation, such as bus stops or turn outs. The Project fails to do so.

c. The MND fails to analyze the Project's incompatibility with the equestrian uses.

The MND fails to analyze the Project's likely incompatibility with equestrian uses, and the significant hazards the widening may cause. There is currently a much used equestrian trail adjacent to Project site. After completion of the Project, traffic would be closer to the trail and more voluminous. Also, there is no means for the equestrian users to safely cross the highway, as the Project includes no crosswalks. These conditions create hazards that must be evaluated. (Hendrix Report, p. 5.) The Project conflicts with the surrounding semi-rural community and the adjacent equestrian uses would also result in land use impacts due to the compatibility of the equestrian use with the widening Project. These impacts have not been evaluated in the MND, but should have been. (Genis Report, p. 2.)

4. The MND Fails to Ensure Access Roads and Driveways Meet Orange County Fire Authority Standards

The Orange County Fire Authority sets standards for access road and driveway steepness, to ensure residences safety through adequate access by the Fire Department. The MND does not include an analysis of the impacts the Project would have on the steepness of driveways and roads to the north of the Project site. The Orange County Fire Authority standard prohibits steepness exceeding 15%. Preliminary designs for the Project that were previously disclosed to the City, showed increases to the grade of area roads and driveways. For example, Palm Hill Drive would have a grade of 16.7% to 23%. If the Project continues to include driveways and roads with this level of steepness, the Project would violate the Orange County Fire Authority standard, and the Fire Department may not be able to reach area residences. This could potentially result in a significant safety impact that was not analyzed or mitigated.

5. Air Quality Impacts Are Inadequately Analyzed

The Project may also have significant air quality impacts that were not properly analyzed. The Project would double the capacity of the Ortega Highway, thus allowing for an increase in the traffic volume. This increase in traffic volume would also result in

1



Caltrans September 6, 2007 Page 18 of 25

an increase in air pollutants, which is not acknowledged in the MND. The Project would encourage the practice of long commutes between work and homes, by providing a connection from housing in Riverside County to jobs in Orange County. (MND, p. 1-6.) Caltrans needs to consider methods to reduce the amount of traffic, and thereby air pollution, by encouraging alternative transportation options. It is particularly important to adequately mitigate air quality impacts of the Project because the Project site is surrounded by residences, which are considered to be sensitive receptors. (MND's Air Quality Analysis, p. 12.)

The MND also fails to adequately evaluate climate change impacts. The Project would increase traffic volume by increasing capacity, while at the same time significantly reducing the number of trees that currently remove greenhouse gases. Mitigation for the removal of these trees is improperly deferred and uncertain. In addition to encouraging a reduction in vehicle trips, Caltrans should also commit to replacing the removed trees with large trees, if the Project goes forward, in order to properly mitigate the potential climate change impacts

The construction related air quality impacts from the use of an asphalt batch plant are not adequately analyzed in the MND. Asphalt batch plants may emit PM, and carbon dioxide, nitrous oxides, sulfur oxides, carbon monoxide, volatile organic compounds, methane and hazardous air pollutants. (Attachment 7, Excerpts of AP 42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources, section 11.1.) These impacts must be properly studied in the MND and then adequate mitigation must be included. The MND states that the standard mitigation measures for asphalt batch plants would be followed. However, because the MND does not disclose the location of the batch plant or its impacts, it cannot be ascertained whether this impact has been properly mitigated. The batch plant would likely be placed in a predominately residential area and therefore could have impacts that would require mitigation beyond the standard conditions.

6. The Project May Violate the City's Tree Removal Ordinance

The Project may violate the City of San Juan Capistrano's tree removal ordinance. (San Juan Capistrano Municipal Code § 9-2.349.) The MND fails to analyze whether trees other than oaks are covered by this ordinance. The City's tree removal ordinance requires consideration of impacts to all trees with a diameter greater than six inches. (*Ibid.*) Many of the trees other than oak trees that the Project would remove have diameters greater than this. The City's tree ordinance requires specific considerations be met in order allow tree removal, including the "adverse visual impacts of tree removals upon surrounding properties and streets the decrease in visual buffering or construction mitigation." (*Ibid.*) The MND does not analyze whether the tree removals proposed for

15

Caltrans September 6, 2007 Page 19 of 25

the Project meet these conditions.

C. Mitigation for the Project is Improperly Deferred

The courts have held it is a violation of CEQA to approve a project based on a negative declaration without first resolving how adverse impacts will be mitigated. (Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.) The court in Sundstrom found that the development and implementation of mitigation measures after project approval was a violation of CEQA. (Id. at 306-308; see also Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359, 1396.) Courts have prohibited the deferral of mitigation because "[t]here cannot be meaningful scrutiny of a mitigated negative declaration when the mitigation measures are not set forth at the time of project approval." (Oro Fino Gold Mining Corp. v. County of El Dorado (1990) 225 Cal.App.3d 872, 884.)

The mitigation measures for numerous potentially significant effects of this Project are mitigated only by statements that future plans would provide mitigation, without specifying the mitigation measures or requiring that the plans be submitted prior to Project approval. As set forth in comments on individual impacts below, this deferral of adequate mitigation is repeated numerous times throughout the MND. Plans and mitigation measures need to be completed and submitted as part of the CEQA review process, and prior to the approval of any environmental review document. (Pub. Resources Code § 21080(c)(2).)

1. Design of the Retaining and Sound Walls is Improperly Deferred Until After Project Approval

The MND acknowledges that the "visual impacts of the retaining and the sound walls on both the motorists and the residential viewers would be negative." (MND, p. 2-53.) As discussed above, the installation of these walls would have a significant aesthetic impact by blocking views, requiring the removal of vast amounts of vegetation and reducing the rural feel of the Project area. The MND claims that these negative impacts would be reduced by proposed mitigation. However, the MND fails to include any definitive mitigation measures for what would be a significant adverse impact, saying only that decisions regarding the size and type of walls will be handled in the design phase. Caltrans "cannot rely upon postapproval mitigation measures adopted during the subsequent design review process. Such measures will not validate a negative declaration." (Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1606. fn 4.) A MND requiring formulation of mitigation measures at a future time violates the rule that members of the public, other agencies, and the decision maker must be given an opportunity to review mitigation measures before a negative

17



Caltrans September 6, 2007 Page 20 of 25

declaration is approved. (Pub. Resources Code § 21080(c)(2).) The Project must be revised to incorporate any mitigation measures before a legally adequate MND is released for public review and comment (*Ibid.*), even if a MND were otherwise sufficient. In preparing a revised environmental review document for the Project, Catrans should consider community outreach to engage the citizens and make a determination on retaining and sound wall types so that the final document will clearly state what will be built and the exact type of treatment the walls may receive.

The MND also claims that there will be extensive landscaping to reduce the aesthetic impacts of the retaining and sound walls, but there is no landscaping plan include in the MND, nor any specific mitigation measure requiring adequate vegetation to mask the walls. The MND merely requires vegetation "where possible" (MND, p. 2-64), without indication as to whether it would be possible to put in adequate vegetation. Specific plans must be identified to make this a legally valid mitigation measure.

2. Mitigation for the Removal of Over 100 Trees is Uncertain

Removal of over 100 large, mature trees is also a significant impact. The MND does not provide any certainty as to the mitigation for the loss of these mature trees. The MND states that removal of these trees would require replacement trees be placed throughout the length of the Project, but then goes on to state that it may not be possible to replace trees throughout this area. (MND p. 2-64.) The MND must analyze how many trees would be able to be replaced within the Project area. If on-site replacement is not possible, and off site replacement is required, the location of those replacements must be identified prior to release of a new environmental document for public review. Without doing so, Caltrans would violate CEQA because it would not be making environmental decisions "in an accountable arena." (Oro Fino, supra, 225 Cal.App.3d 872, 885.)

3. Preparation of a Traffic Management Plan is Improperly Deferred

The MND states that a traffic management plan will be completed after Project approval. (MND, p. 2-42 to 2-44.) This is another example of improperly deferred mitigation. The traffic management plan should be included in the environmental review document for the Project to allow the public to review and comment upon it. (Minagar Report, p. 6.)

4. Feasibility and Adequacy of Mitigation Measures for Water Quality Impacts Must be Analyzed Before Project Approval

Mitigation for the potentially significant long term water quality impacts of the

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Caltrans September 6, 2007 Page 21 of 25

Project is improperly deferred. The Project has the potential to increase runoff into an already degraded watershed. To mitigate this impact, the MND only includes a list of non specific measures that could be included in the Project. The MND states that specific measures will be analyzed *after* Project approval. (MND, p. 2-83) This is inadequate to mitigate the potentially significant water quality impacts.

5. Postapproval Study of Dewatering Impacts is Inadequate Mitigation

The water quality report for the MND states it will not be known whether dewatering is necessary as part of the Project until soil boring samples are taken. (MND's Water Quality Technical Study, p. 13.) These soil boring samples will not be done until after Project approval, and that if at that time dewatering is found to be required, Caltrans would then be required to obtain a permit. This is an inadequate study of a potentially significant impact and again deferred mitigation. Caltrans should have taken soil boring samples as part of the environmental review for the Project, and analyzed whether dewatering was necessary, and if so how it would be accomplished. There is evidence that this may be necessary, based on the Preliminary Geotechnical Reports statement that ground water was found 15 meters below ground surface. (Preliminary Geotechnical Report, p. 4.)

6. The Need for Mitigation of Liquefaction Impacts Must be Analyzed Prior to Project Consideration

Mitigation for the Project's potentially significant geotechnical impacts is the improperly deferred with a requirement that a future geotechnical report be prepared. The MND states that portions of the Project site are in an area that has an increased risk of liquefaction. (MND, p. 2-86.) The preliminary geotechnical report prepared for the Project state that "project-specific risk of liquefaction should be addressed in the Geotechnical Design Report." (Preliminary Geotechnical Report, p. 6.) The Geotechnical Design Report would include a detailed site investigation and sampling program to verify site conditions and develop soil and rock parameters to be used for wall design. (Id. at p. 1.) This is similar to the type of deferred study and mitigation that was found to be in violation of CEQA by the Court of Appeal in Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.

7. Deferred Mitigation of Natural Resource Impacts

The MND claims the Project's potential impacts to mature trees, wetland and area wildlife will be mitigated by measures to be determined in the future. Again, this is an improper deferral of mitigation. The Project would remove over 100 mature trees, require the filling of .134 acres of wetlands, and reduce the habitat for use by wildlife species.

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Caltrans September 6, 2007 Page 22 of 25

The Project improperly defers mitigation of impacts to wetlands by requiring that a mitigation plan for impacts to wetlands be prepared *after* Project approval. (MND, p. 2-126.) This plan must be set forth in the environmental review document for the Project to allow for the public and other agencies to review the plan and comment upon its sufficiency.

The MND also improperly defers consideration of mitigation measures and improperly delegates Caltrans' legal responsibility to assess environmental impact, as was done in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307. Instead of evaluating and mitigating the impacts to natural communities, the MND states that "The County of Orange shall be responsible for mitigation of the project impacts. At the time of preparation of project plans, the County will determine appropriate project mitigation." (MND p. 2-121, 2-126.) Caltrans cannot rely on these postapproval mitigation measures or require other agencies to do its job for it.

D. Additional Mitigation Measures Should be Included in the Project

Due to the significant impacts the Project would have, the City requests that additional mitigation measures be analyzed for the Project.

1. Additional Aesthetic Mitigation Measures

As discussed above, the Project's installation of retaining and sound walls would have a significant aesthetic impact, even after mitigation. Because the impacts from the installation of retaining and sound walls would remain significant, further mitigation measures should be analyzed and included in the Project.

First, the retaining walls should have relief to them and include shrubs and vines to soften the view of the walls. (Genis Report, p. 5) Vegetation also could help cut down on the graffiti the walls would otherwise attract. (*Ibid.*)

The Visual Impact Assessment attached to the MND also recommends consideration of terraced retaining walls, which would result in several shorter walls instead of one large one. (Visual Impact Assessment, p. 46.) The MND does not analyze whether this mitigation measure would reduce the significant impacts of the walls, but should have. This measure would likely require additional acquisition of land. If Caltrans determines such a measure is not economically feasible, the basis for such a conclusion must be disclosed to the public.

If Caltrans decides that less visibly intrusive "glass" sound walls would be

13

Caltrans September 6, 2007 Page 23 of 25

included as part of the Project, the glass walls should be constructed with a finish that is not highly reflective and which has lines or small black threads incorporated so that birds can see it is a wall. (Genis Report, p. 6.) Otherwise, possible glare from the sound walls must be analyzed. Additionally, it has been suggested by Ms. Genis that these should be constructed of Paraglas or similar material because of its durability and unlike other materials that could be used for a "glass" sound wall, this material is not subject to yellowing. (Id. at p. 5-6.) It would be important to use durable material so that a replacement project, and its associated disruption and cost, can be avoided in the future.

For additional mitigation of the significant aesthetic impacts of the Project, Caltrans should also consider landscaped median strips, extensive setbacks, a variety of materials for the replacement sidewalks, and a physical separation of vehicular and nonvehicular traffic, as required by the City's General Plan for scenic corridors within the City. (City of San Juan Capistrano Community Design Element p. 10.) The MND fails to consider these potential mitigation measures. The City is particularly interested in an analysis of landscaping for the proposed 12 foot wide median for the Project, which may help the area retain some of its current visual appeal.

The MND also states that undergrounding of utilities would reduce visual impacts. (MND, p. 2-64.) Though the City agrees, Caltrans should study the feasibility of the undergrounding of utilities, to ensure that it is done as part of the Project, if the Project goes forward. The potential impacts this mitigation measure could have, such additional soil disturbance and impacts on root systems of trees, should also be analyzed. The nearby Ranch Plan project also includes the extension of a high power gas line along Ortega Highway from the west of I-5 to Antonio Parkway. (Attachment 8, excerpts of Ranch Plan EIR, p. 3-35.) Caltrans should analyze whether this extension would impact its ability to underground the utilities at the Project site.

The Visual Impact Assessment for the Project proposes an aesthetics committee for the Hunt Club portion of the Project. (Visual Impact Assessment, p. 45.) This measure was not included as mitigation for the Project in the MND, but should have been. Additionally, establishment of a City Design Committee should be considered a method for assuring adequate mitigation for the entire Project.

2. Additional Noise Mitigation Measures

Because noise impacts from the Project would remain significant, additional mitigation measures are required. The City proposes that the following mitigation measures be included as part of the Project, or analyzed for feasibility as part of a full EIR.





Caltrans September 6, 2007 Page 24 of 25

First, Caltrans should include the use of Rubberized Asphalt Concrete for the road widening Project. "Rubberized AC is AC with approximately 1 to 2 percent ground "crumb rubber" from dewired tires or other rubber sources, by weight of mix... Caltrans has used rubberized AC in approximately 130 projects throughout the state." (See http://www.ciwmb.ca.gov/ConDemo/Roads/CalTrans.htm.) The use of Rubberized Asphalt Concrete can reduce traffic noise by up to 10 dB. (Attachment 9, Caltrans Report on Pavement Noise.)

Second, the use of augers and setting retaining wall supports in concrete instead of pile driving should also be used as mitigation for the groundbourne vibrations the Project would cause. (Hendrix Report p. 3.) Buffer zones or alternative methods of compaction should also be analyzed. (*Ibid.*)

Third, to mitigate the significant construction noise impacts, the Project should include the following: "1) temporary noise attenuation between sensitive receptors and construction noise; 2) moving construction staging areas, cue lines of haul trucks, and other noise generation as far as practical from residential properties, 3) restricting equipment idling, 4) providing temporary electric construction power to eliminate noise from portable electric generators." (Hendrix Report, p. 4.)

Finally, if the Project goes forward, it should also include the mitigation measures that were required for construction of the nearby Ranch Plan, which includes widening of an adjacent section of the Ortega Highway: limiting the hours of construction, with no construction on Sundays or holidays; a requirement that evidence be produced prior to commencement of construction that all construction vehicles or equipment have properly operating and maintained mufflers; all operations should comply with the San Juan Capistrano noise ordinance; and vehicle staging areas should be located as far as practicable from residences. (Attachment 8, excerpts of Ranch Plan EIR, p. 4.8-30.)

3. Additional Traffic Mitigation Measures

The MND should restrict further expansion of the Ortega Highway through San Juan Capistrano. The rest of Ortega Highway east of the City up to the 241 Highway connection has right of way for six lanes, although it is only four lanes currently. A restriction should be put in place to ensure that the Project site is not expanded beyond four lanes in the future. City residents are concerned that this segment of the Ortega Highway could be expanded again in the future, further encroaching on to residents' property and worsening the many impacts discussed above. The City requests assurance that if this Project goes forward, no further expansion will be undertaken.

25

Caltrans
September 6, 2007
Page 25 of 25

CONCLUSION

We request that you do not approve the MND, but rather prepare an EIR on the Project that presents adequate information to analyze potentially significant impacts and ways to mitigate those impacts. The current MND does not provide adequate information and mitigation measures, and its approval would violate CEQA.

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Sincerely,

Amy Minteer

Attachments:

- (1) Analysis of Land Use and Aesthetic Impacts by Sandra Genis, Planning Resources with Attached Topographical Map and Information Regarding "Sound Fighter" Walls and Resume for Sandra Genis;
- (2) Review of Traffic/Circulation Element of Initial Study (with Proposed MND) Widening of Lower Ortega Highway by Minagar & Associates, Inc. and qualifications of Minagar & Associates, Inc.;
- (3) Review and Comments on the Initial Study for the State Route 74 Lower Ortega Highway Widening Project by Michael Hendrix and Resume for Michael Hendrix;
- (4) San Juan Capistrano Strategic Transportation Plan;
- (5) Photos of Project Site and Declaration in Support Thereof;
- (6) Excerpts of County of Orange's General Plan regarding Scenic Highway Plan;
- (7) Excerpts of AP 42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources;
- (8) Excerpts of Ranch Plan EIR;
- (9) Comparative Measurements of Tire/Pavement Noise Prepared for Caltrans.

cc: City of San Juan Capistrano

1. San man Capistranov for Finals/Comment Letter FNL doc

Organizations/Businesses Comments

Promoting Safe Roads for Drivers and Pedestrians in Ladera Ranch



July 21, 2007

Department of Transportation (CALTRANS) Environmental Planning Smita Deshpande, Environmental Branch Chief Attention: Iffat Qamar 3337 Michelson Drive, #380 Irvine, California 92612

Iffat Qamar:

After years of study and numerous accommodations, I am pleased that CALTRANS is almost ready to widen Ortega Highway (SR-74) from the intersection at La Pata/Antonio Parkway to Calle Entradero, San Juan Capistrano. I understand construction is supposed to begin in mid-2009 and it will be completed in 2011.

In the meantime, people trying to get to the !-5 and to the attractions of San Juan Capistrano increasingly will need to wait in Ortega's bumper-to-bumper traffic. Can you do anything to expedite this project? The people of Ladera Ranch have a lot at stake since our taxes, time and safety are at stake. Property owners of Ladera Ranch pay millions of dollars in Mello-Roos or Community Facilities District "special taxes" to support highway improvements like the ones proposed for Ortega Highway.

I am pleased that you have planned to preserve the scenic quality of the current roadway corridor including views of the valley and its ridgelines and the rural ambience that is consistent with the City of San Juan Capistrano General Plan. It is also my understanding that the proposed project minimizes impacts to noise, visual, and cultural resources by sound walls, shifting the widening of the alignment to the north, and avoiding a masonry wall at the historic site located at the intersection of SR-74 and Via Cristal.

Would the benefits of additional study outweigh the costs of delay? I do not think so. I respect the need for careful analysis as much as the next person, but it seems obvious that a reasonable amount of study has already been completed. It is a given that some people will never be satisfied, completely.

The County of Orange prepared environmental impact analyses covering evaluations of the widening of Ortega Highway from the San Juan Capistrano City/County line to the east of San Antonio/La Pata intersection (County portion). Since an environmental document was already prepared that analyzed portions of improvements from the City boundaries to Antonio/La Pata, CALTRANS must only prepare an environmental document for the City portions from Calle Entradero to the City/County line.

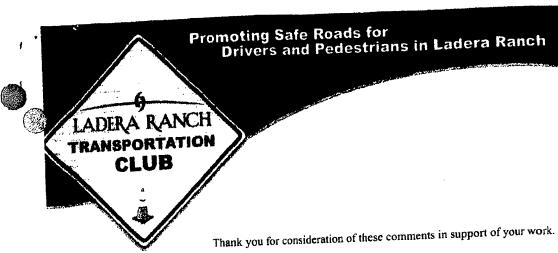
Improving Ortega Highway, especially that portion between Antonio Parkway/La Pata to the I-5 should continue to be a matter of high priority. The report presented by CALTRANS for a portion of these important improvements is complete and balanced, in my opinion.

It seems to me that it within the capability of CALTRANS to make such improvements expeditiously, consistent with the need to preserve a healthy, safe and aesthetically pleasing environment.









Sincerely, Charles T. Hilson

Charles T. Gibson

President, Ladera Ranch Transportation Club

35 Kilbannan Court

Ladera Ranch, CA 92694



TIERRA del CABALLO HOME OWNERS ASSOCIATION

August 5, 2007

Caltrans District 12
Attn: Smita Deshpande,
Environmental Branch Chief
3337 Michelson Drive, Suite 380
Irvine, CA 92612-0661

Subject:

Initial Study/Proposed Mitigated Negative Declaration, State Route 74 (Ortega

Highway) Widening Project

Dear Ms. Deshpande:

The purpose of this letter is to express Tierra del Caballo Home Owners Association extreme concern over the Ortega Highway Widening project and the failure of Caltrans to mitigate significant noise impacts at properties, located on Paseo Diana, within the Tierra del Caballo Home Owners Association. The proposed Mitigated Negative Declaration (MND) indicates that the south section of Ortega Highway east of Via Errecarte will not contain a sound wall. Lack of a sound wall at this segment of the road will result in a significant impact to our homeowners. The long-term noise from traffic can only be mitigated with the construction of a sound wall of adequate height to minimize the impacts.

Under the California Environmental Quality Act (CEQA), if a proposed project is determined to have a significant impact, mitigation measures must be incorporated into the project unless such measures are not feasible. If an impact cannot be mitigated, or if there is substantial evidence that a project may have a significant effect on the environment then an Environmental Impact Report must be prepared. The MND fails to accurately identify impacts and to provide mitigation measures to reduce the impacts. An Environmental Impact Report should be prepared, or mitigation measures should be added to the project to reduce significant impacts on properties within the Tierra del Caballo Homes Owners Association.

Caltrans' Traffic Noise Analysis Protocol (Protocol) identifies a noise impact when future noise levels within a project result in a substantial increase in noise levels (defined as 12 dB or more). The Protocol sets out criteria for determining when a noise abatement measure is reasonable and feasible. A Noise Abatement Criteria of 67 dBA has also been used as the threshold for determining future noise levels. We do not agree that a 12 dB increase is a reasonable threshold for traffic noise impacts in a residential area. Increases in ambient noise levels are perceptible with a 3 dB increase. According to the California Department of Transportation, Technical Noise Supplement, October 1998, a 10 dB increase in noise is generally perceived as twice as loud. At Avenida Siega, Ortega Highway is a rural, two-lane highway. Traffic noise that is twice as loud as currently exists should be considered a significant impact. A more appropriate threshold should be utilized to assess impacts to sensitive receptors along the rural highway.





As shown in the MND, sound walls were proposed in several locations along Ortega Highway. However, based on the final analysis, it appears that only 2 of the 11 potential locations will contain sound walls. Based on the graphics provided in the Noise Study, our properties are adjacent to the proposed sound wall SW-5. The existing noise level at that location ranges from 55.3 to 64.1 dBA. A noise wall is proposed west of Via Errecarte to reduce noise levels. It is unclear in the MND and Noise Study how it was determined that future noise warranted mitigation west of Via Errecarte, and not east of Via Errecarte. Traffic Volumes will be essentially the same within that short distance, and there is no explanation of why noise levels will be lessened east of Via Errecarte. Additionally, there is no supporting data indicating that the reflected noise effect was taken into consideration when determining future noise levels. The proposed project will result in a substantial permanent increase in ambient noise levels above existing noise levels and the noise impact should be considered a significant impact.

The MND, on page 2-103, notes that a minimum of 5 dBA reduction in future noise level must be achieved for an abatement measure to be considered feasible. Based on this minimum, the MND determined that the proposed sound walls that would achieve this 5 dBA reduction did not include the potential sound wall adjacent to properties within the Terra del Caballo Home Owners Association. It is not clear from the MND how this conclusion was reached. Furthermore, there is no information in the MND providing support that a noise wall would not provide a 5 dBA reduction at this location when a similar attenuation would be reached just west of Via Errecarte. CalTrans must provide additional noise data and analysis to support the conclusions in the MND.



A retaining wall is proposed for the north side of Ortega Highway directly across from our properties. The MND identifies that there is a concern related to impacts from reflected sound where walls will be constructed. With no sound wall on the south side of Ortega, the reflected noise from the retaining wall will magnify the future noise, creating an even greater impact. The potential for future noise intrusion is a significant impact for which no mitigation has been proposed in the MND. In addition, we find no analysis in the MND related to the reflective noise impact at the specific location where sound wall SW-5 is proposed. The noise study does not adequately assess the reflected noise impact, and incorrectly concludes that mitigation is not warranted at this location. Based on that, the Tierra del Caballo Home Owners Association is requesting that the sound wall on the south side of Ortega be extended from Via Errecarte to 300 feet east of the east property line of 28546 Paseo Diana.

It was difficult to assess aesthetic impacts related to the proposed retaining wall opposite from Tierra del Caballo Home Owners Association properties. Page 2-61 of the MND, which shows the Visual Assessment nearest our homeowners, omitted the view simulation of the rock retaining wall (Figure 33). The entire Visual Assessment should be provided in the Response to Comments document. After our association members attended the information meeting on July 24, 2007, in San Juan Capistrano, our members request that the retaining wall treatment be the Rock Wall design. The Tierra del Caballo Home Owners Association request that the Rock Wall design, be constructed as the most compatible design treatment at this segment of Ortega Highway, both visually and minimizing potential sound impacts.





The Tierra del Caballo Home Owners Association is strongly opposed to any signalization of the intersection of Avenida Siega and Ortega Highway. The Association wants the traffic to continue to move through the intersection with no stopping, except for left hand turn lanes going east and west. A signal at this location would create more noise from stop and go traffic by automobiles and trucks and vehicles standing for red lights will pump exhaust emissions into the air and negatively affect the air quality of our home owners. The Tierra del Caballo Home Owners Association agrees with the Mitigated Negative Declaration position that no signals be placed at the intersection of Avenida Siega and Ortega Highway.

In September 2006, the Tierra del Caballo Home Owners Association sent a letter to the City of San Juan Capistrano related to the above-noted project. Although several properties are adjacent to Ortega Highway we did not receive notice of the May 30, 2006 public workshop held at the City nor did we receive a copy of the sound wall survey sent to potentially affected property owners along Ortega Highway. Our September 2006 letter expressed significant concern that the proposed sound wall did not extend east of Via Errecarte on the south side of Ortega Highway. A copy of that letter is included herein for your reference.

We received no response to my initial September 2006 letter of concern. The Tierra del Caballo Home Owners Association request assurance from CalTrans that these potentially significant impacts will be mitigated prior to approval of the Ortega Highway Widening Project. A sound wall should be added east of Via Errecarte continuing east of Avenida Siega and approximately 300 feet past the residence at 28546 Paseo Diana in order to protect our homeowners. If the noise impact cannot be mitigated then an Environmental Impact Report should be prepared. We look forward to receiving your response to our comments and we would appreciate receiving notification of future meetings or hearings on the project.

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John Large

Sincerally.

President

Tierra del Caballo Home Owners Association

28536 Paseo Diana

San Juan Capistrano, CA 92675

cc: Dave Adams, City of San Juan Capistrano Steve Apple, City of San Juan Capistrano

> William E. Bennett, P.E. Irvine Tony V. Harris, P.E. Sacramento



Mr. Dave Adams, City Manager Ms. Molly Bogh, Planning Director City of San Juan Capistrano 32400 Paseo Adelanto, San Juan Capistrano, California 92675

Subject: Conceptual Design Alternatives with respect to sound walls, retaining walls and landscaping for Caltrans' proposed widening of Ortega Highway from Calle Entradero to the easterly City limit.

Dear Mr. Adams & Ms. Bogh:

The twelve residences comprising the Tierra del Caballo Homeowners Association We are currently impacted by traffic congestion and traffic generated noise on Ortega Highway. While are residents are encouraged that Caltrans and the City of San Juan Capistrano have begun a dialogue on how the Ortega Highway may be widened and improved, we are disappointed that we have not been included in the public discussion of the potential improvements and project mitigations. We understand that a public workshop was conducted on May 30, 2006 in the City Council Chambers, but for some reason we were not given notice of that meeting. As a result, we feel that we have been left out of a very significant project process that could result in even greater impacts to our homes if the widening of Ortega Highway goes forward without appropriate mitigation measures concerning noise and design of sound and retaining walls.

According to City documents, the public notification process of the above referenced public workshop was to be based upon a first-class mailing to all owners of real property" as listed on the latest Orange County Real Property Tax Assessment rolls....". Most of our twelve homeowners have lived on Paseo Diana for over twenty years and normally have received notices of proposed City action that might impact our residences and this occasion we did not receive a mailed public notice for the meeting held on May 30, 2006.

We also understand that Caltrans mailed a sound wall survey to property owners along the Ortega Highway Corridor to determine preferences with respect to sound wall heights and design treatments. Our residences did not receive this survey instrument and we want to know why we were not allowed to have input on this issue.

I request, on behalf of the Tierra del Caballo Homeowners Association that you immediately add the names and addresses of the twelve homeowners residing on Paseo Diana to your notification list. We also request any future notices and survey instruments that may be sent by Caltrans or the City concerning this issue.

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Our residents would also like to know if the residents residing on Silver Leaf Drive received a notice of the meeting on May 30, 2006. We request the name of the Silver Leaf Drive homeowners association, the name of the president of this association and the mailing address and phone number.

We are very concerned about the design and the extent of the project related sound wall as it is now proposed. According to a Caltrans letter, we obtained from the City, dated May 12, 2006 it states that ...".it might be appropriate to construct three sound walls on the south side of Ortega Highway between Calle Entradero and Via Errecarte."

The twelve homes on Paseo Diana lie east of Via Errecrate, therefore the Caltrans report indicates our homes would not be protected from the noise and our homeowners would have no say in the design of the retaining and sound walls proposed on the north side of Ortega Highway directly across from our residences. On behalf of our homeowners I request that the City and Caltrans justify why our residences will not be protected from the substantial increase in traffic generated noise from the widening of Ortega Highway and over time the increase in traffic generated noise due to the building of thousands of homes in Ladera Ranch and the increase traffic from the Ladera Ranch project and Riverside county traveling on Ortega Highway.

On behalf of our homeowners I request that you update your records to include our addresses for future notices, any communication instruments and our homeowners demand the opportunity to comment on this EIR and the issues related to this EIR process. Thank you.

Sincerek

John Large President

Tierra del Caballo Homeowners Association

28536 Paseo Diana

San Juan Capistrano, CA 92675

jlarge3@c





Orange County
Taxpayers Association

30205 Hillside Terrace, San Juan Capistrano CA 92675-1542 phone (949) 240-6226 • fax (949) 240-0304 • www.octax.org

August 7, 2007

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Department of Transportation, Environmental Planning Smita Deshpande, Environmental Branch Chief (attn: Iffat Qamar) 3337 Michelson Drive, Suite 380 Irvine CA 92612-0061

Dear Mr. Deshpande,

The Orange County Taxpayers Association (OCTax) supports your plan to widen SR-74 from two to four lanes between Calle Entradero and the City of San Juan Capistrano limit.

OCTax has standing in transportation issues. In 1990 OCTax's president chaired the campaign for Measure M. In 2006, OCTax was a major proponent of the successful ballot measure to renew Measure M for 30 years. OCTax has testified in favor of extending the SR-241 toll road from Oso Parkway to I-5. We serve on OCTA's South Orange County Major Investment Study group. These and other activities convince OCTax that SR-74 is a key component of the network of streets, regional roads and highways that keeps Orange County mobile and prosperous.

Here's what OCTax concluded when we spent a day touring the highway and vicinity.

- The available right-of-way is spacious. The widening would disturb far less public and private property than any other imaginable traffic solution.
- Unless widened, the SR-74 bottleneck will be exacerbated by the new school on Avenida La Pata, the build-out of La Pata to Avenida Pico, the build-out of the community of Rancho Mission Viejo and the increase in traffic to and from Riverside County.
- We foresee no significant impact on aesthetics, public services, or biological resources.
- Free-flowing traffic pollutes less than stalled traffic. The widening would abate pollution.
- The highway is noisy. We favor the soundwalls that are part of the plan.
- We think severe traffic congestion on SR-74 is a greater threat to San Juan Capistrano's bucolic ambiance than the widening's relatively small impacts.
- At new road to re-route traffic around San Juan Capistrano would cost many times more money and destroy many times more open space than the proposed plan.

OCTax will be glad to help you win approval and implementation of the SR-74 widening plan.

David B. Ross

Member and Past Chairman, OCTax







"PHILIP ANTHONY" <phil.anthony@ 08/07/2007 03:53 PM

To "Reed Royalty" <reed.royalty@ <Lower74_D12@dot.ca.gov> cc "David Ross" <rosskata@:

>, "Charlie Ware"

bcc

Subject Re: SR-74 Widening

<cware@

Reed, et al,

The letter is very good and David is clearly the most deserving person to sign it. Thanks.

Phil

---- Original Message ----

From: Reed Royalty

To: Lower74 D12@dot.ca.gov

Cc: <u>David Ross</u>; <u>Philip Anthony</u>; <u>Charlie Ware</u> Sent: Tuesday, August 07, 2007 12:21 PM

Subject: SR-74 Widening

Ms. Qamar:

Two days ago I sent you a letter dated August 4 from the Orange County Taxpayers Association (OCTax) in support of your plan to widen SR-74 in San Juan Capistrano.

For various reasons (which I would be pleased to explain if you care) the letter would be far more effective if signed by Mr. David Ross (a member and past chairman of OCTax).

Please destroy the letter signed by me, and substitute the attached letter dated August 7 bearing Mr. Ross's name. The letters are identical except for the name.

Mr. Ross will be available to testify in support of the widening at the San Juan City Council meeting of August 21.

Thank you.

Reed L. Royalty, President Orange County Taxpayers Association 30205 Hillside Terrace

cc: Messrs. Anthony, Ross and Ware







david ross <rosskata@

08/07/2007 04:00 PM

Please respond to rosskata@:

To PHILIP ANTHONY <phil.anthony@

cc Reed Royalty <reed. Lower74_D12@dot.ca.gov, Charlie Ware <cware@

bcc

Subject Re: SR-74 Widening

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PHILIP ANTHONY wrote:
  > Reed, et al,
  > The letter is very good and David is clearly the most deserving person
  > to sign it. Thanks.
  > Phil
  > ---- Original Message ----
        *From: * Reed Royalty <mailto:reed.royalty@
        *To: * Lower74_D12@dot.ca.gov <mailto:Lower74 D12@dot.ca.gov>
        *Cc:* David Ross <mailto:rosskata@
                                                          ; Philip Anthony
        <mailto:phil.anthony@
  >
                                         > ; Unarile Ware
  >
        <mailto:cware@
  >
        *Sent:* Tuesday, August 07, 2007 12:21 PM
        *Subject:* SR-74 Widening
  >
  >
        Ms. Qamar:
        Two days ago I sent you a letter dated August 4 from the Orange
        County Taxpayers Association (OCTax) in support of your plan to
        widen SR-74 in San Juan Capistrano.
       For various reasons (which I would be pleased to explain if you
       care) the letter would be far more effective if signed by Mr.
       David Ross (a member and past chairman of OCTax).
 >
 >
       Please destroy the letter signed by me, and substitute the
 >
       attached letter dated August 7 bearing Mr. Ross's name. The
 >
       letters are identical except for the name.
 >
       Mr. Ross will be available to testify in support of the widening
 >
       at the San Juan City Council meeting of August 21.
 >
 >
 >
       Thank you.
 >
 >
       Reed L. Royalty, President
>
       Orange County Taxpayers Association
>
       30205 Hillside Terrace
       San Juan Capistrano CA 92675-1542
>
>
>
      cc: Messrs. Anthony, Ross and Ware
Phil,,
Thank you for your vote of confidence!
```



Dave





Reed Royalty <reed.royalty@i 08/07/2007 12:21 PM To <Lower74_D12@dot.ca.gov>

cc David Ross < ropekata@ , Philip Anthony <phil.anthony@'</pre> , Charlie Ware m>

<cware@r

Subject SR-74 Widening

bcc

Ms. Qamar:

Two days ago I sent you a letter dated August 4 from the Orange County Taxpayers Association (OCTax) in support of your plan to widen SR-74 in San Juan Capistrano.

For various reasons (which I would be pleased to explain if you care) the letter would be far more effective if signed by Mr. David Ross (a member and past chairman of OCTax).

Please destroy the letter signed by me, and substitute the attached letter dated August 7 bearing Mr. Ross's name. The letters are identical except for the name.

Mr. Ross will be available to testify in support of the widening at the San Juan City Council meeting of August 21.

Thank you.

Reed L. Royalty, President Orange County Taxpayers Association 30205 Hillside Terrace San Juan Capistrano CA 92675-1542





cc: Messrs. Anthony, Ross and Ware SR-74widening2.doc



Smita Deshpande Environmental Branch Chief % Iffat Qamar Caltrans District 12 3347 Michelson Drive, Suite 100 Irvine, CA 92612-1692

Re: State Route 74 Lower Ortega Highway Widening

Dear Mr. Qamar:

The Ortega Highway widening project as proposed is opposed by the homeowners of the Verde San Juan Estates. Our concerns are:

- At the current 45 mph speed limit, it is already difficult to navigate either a right or left turn out of the only street available to us onto Ortega Highway during off-peak hours and extremely difficult during peak hours. The projected speed limit of 55 mph is prohibitively unsafe for ingress and egress from our residential neighborhood. Even now with the 45 mph speed limit, making left turns onto and off of Ortega is dangerous. With a speed limit of 55 mph, it is certain that there will be accidents with serious injuries. By eliminating the furrent deceleration lane approaching our entrance at Toyon, in addition to your proposed accelerated speed of 55 mph, you will be creating another extremely dangerous situation which is certain to result in serious injuries from rear-end type accidents.
- Sound walls on the south side of Ortega, if needed at all, should be no higher than 8 feet. Please note that most of the homes on the south side are approximately 12 to 15 feet <u>below</u> Ortega. A sound wall if built would increase reflective traffic noise to all of the homes on the north side of Ortega while having minimal effect on those homes on the south side, not to mention the prohibitive cost to taxpayers of such a project. Has anyone even thought about what will happen to the airflow for the homes on the South side after the proposed wall is built or using a paving material that reduces tire noise?
- The proposed retaining wall on the north side should be a minimum setback of 10 feet, preferably 15 feet from the north curb. If higher than 10 feet, it should be stepped up the hill. This would help to minimize the "tunnel" effect. An imitation rock style is preferred.

Thank you for giving us the opportunity to respond to this project.

Sincerely,

OBERT C. LAVACOT, President

Cc: Supervisor Patricia Bates

30621 HILLTOP WAY

SAN Juan Capistrano, CA 92675

PHONE: 949,489,8297-LAVACOT

949,489.9585-MEYLING

August 8, 2007

949,488.7924-MEANY

949,476.9000

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There is no attempt to analyze the impacts to the social and economic values of the changes that would occur as a result of the substantial visual changes that would result in a complete change of character of the area from rural to urban as a result of the proposed Highway 74 widening, and there is no reference to the Code or analysis with regard to the Code. Will the roadway changes result in devaluation of property values for those properties aligning the roadway? Refer to California State Code website at:

http://www.leginfo.ca.gov/cgi-

bin/waisgate?WAISdocID=0205786622+2+0+0&WAISaction=retrieve.

Regarding the County of Orange General Plan (2005), the Scenic Highways Element shows Ortega Highway as a "Landscape Corridor." Refer to County General Plan map at:

http://www.ocplanning.net/docs/GeneralPlan2005/Chapter IV Scenic Highway Plan.pd f. The Transportation Element addresses the Scenic Highway Plan, in Chapter IV. The goals, objectives, and policies of the County General Plan as they related to Scenic Highways need to be presented and analyzed. Refer to County General Plan Transportation Element at:

http://www.ocplanning.net/docs/generalplan2005/chapter iv transportation.pdf.

Addressing the changes to the project is extremely important, given that it is a scenic highway and given that the CEQA Guidelines criteria b) asks whether the project will "Substantially damage scenic resources, including, but not limited to trees, outcroppings, and historic buildings within a state scenic highway?" and would result in impacts. The level of impact of the roadway changes must be addressed. Those conclusions must be logical, credible and able to be justified based on the substantial change to the overall visual character that will occur as a result of the proposed project.

Page 2-48, 4th paragraph: For Visual Assessment #1, the text concludes, "Residential viewers would have the highest view duration and would be expected to experience high sensitivity..." Conclude and substantiate for a significant impact. Substantiate whether or not this impact can be mitigated to levels that are less than significant.

Page 2-53, 1st paragraph: For Visual Assessment #2, the text states, "The visual impacts of the retaining and the sound walls on both the motorists and the residential viewers would be negative." Conclude and substantiate for a significant impact. Substantiate whether or not this impact can be mitigated to levels that are less than significant.

Page 2-56, 2nd paragraph: For Visual Assessment #3, the text concludes, "Due to the removal of the mature trees on the north side and the addition of a sound wall on the south side, the views of the overhead utility lines and the disturbed landscape would contribute to a negative visual impact at this location." Conclude and substantiate for a significant impact. Substantiate whether or not this impact can be mitigated to levels that are less than significant.

Page 2-56, 4th paragraph: For Visual Assessment #4, the text concludes, "The residents along the south side of SR-74 would have a sound wall 14 ft. (4 m.) high contiguous to

their back yards. After construction, the retaining and sound walls would have negative visual impact upon the community and the motorists using the highway." Conclude and substantiate for a significant impact. Substantiate whether or not this impact can be mitigated to levels that are less than significant.

Page 2-63, 2nd paragraph: For Visual Assessment #5, the text concludes, "The overall visual quality at this location has been negatively impacted." Conclude and substantiate for a significant impact. Substantiate whether or not this impact can be mitigated to levels that are less than significant.

Page 2-63, before the section on "Avoidance, Minimization and/or Mitigation Measures: Add a discussion that addresses each of the CEQA checklist significance criteria, and generally analyses the significant impacts of the project as related to those criteria. Whenever an impact evaluation is conducted, it is best to err to the "worst case" conclusion, especially where subjectivity is involved. Given the substantial changes proposed, each of the four criteria should be designated as significant impacts.

Page 2-63, section on "Avoidance, Minimization and/or Mitigation Measures" Build Alternative: If one looks at the "after" photosimulations, there is no doubt that substantial changes to the scenic highway associated with major changes in landscape character will occur. These changes are significant. Justification of each of the mitigation measures and the residual levels of significance after the application of each mitigation measure is required. This is done by taking the post construction (operation) or "after" condition, and applying it back to each of the significance criteria. This is absolutely essential in a CEQA analysis, as it is the ONLY way to determine residual mitigation levels of significance, and the only way to determine if there are impacts that cannot be mitigated to levels that are less than significant. As the document is currently written without substantial justification related to specific impacts, the proposed changes to the scenic highway are significant and cannot be mitigated to levels that are less than significant, and an EIR is required.

Page 2-63, 1st bullet: Please elaborate on the construction methods for the light penetrating and for the sound absorbing sound walls so the reader has a better understanding of how tree removal will be minimized. Please also provide photo simulations of what the light penetrating sound walls would look like. Address the indirect impact of noise effectiveness, or refer to the noise section, which should address both types of walls and their effectiveness. On page 2-64, second sentence: What City requirements are being referred to? These need to be stated in the existing condition section and referred to herein.

Appendix A - CEQA Checklist

The checklist is seriously flawed, as the levels of significance checked do not relate at all to the analysis. Once the analysis is revised, the checklist needs to be revised. How can



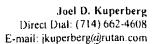
a conclusion of no impact be applied for light and glare, when there has been absolutely no analysis prepared?



Linda Brody Brody Consulting

Ms. Brody has more than 30 years of experience in environmental document preparation under the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA). Her areas of expertise include project management, CEQA and NEPA compliance, and client development. She has completed documents for a range of facilities and projects not limited to: transportation, facilities that handle, treat, and/or store hazardous waste products and/or waste residual materials; wastewater treatment and recycling; marine terminal and offshore oil spills; geothermal development; flood control; water and natural gas pipelines; water reservoir and water systems improvements; recreational development; and specific and general plans for land development.

Ms. Brody has particular expertise in the disciplines of land use, recreation, and visual analyses. The effects of these three disciplines are interrelated and consistency between the analyses of these three sections is vital in a CEQA or NEPA document. In the area of visual resources, she has performed visual analyses for CEQA and NEPA documents using a variety of methodologies including the U.S. Forest Service Visual Management System, the Bureau of Land Management Visual Resource Management guidelines, and her own methodologies focused to particular projects and issues.







September 4, 2007

VIA U.S. MAIL and E-MAIL (lower74 D12@dot.ca.gov

California Department of Transportation **Environmental Planning** Smita Deshpande, Environmental Branch Chief Attention: Iffat Qamar 3337 Michelson Drive, No. 380 Irvine, CA 92612

> Re: Mitigated Negative Declaration for State Route 74

Lower Ortega Highway Widening Project

Dear Ms. Qamar:

This office has been retained by the Hunt Club Community Association (the "HCAA") to submit comments on the Initial Study and draft Mitigated Negative Declaration ("MND") for CalTrans' proposed Lower Ortega Highway Widening Project ("Project"). The HCAA is a private community, developed approximately 25 years ago, and it presently consists of 132 custom homes and lots; a number of these homes border directly on the north side of Ortega Highway between Calle Entradero and Hunt Club Drive, which are the only two points of ingress and egress serving the Hunt Club. The Hunt Club II development, consisting of an additional 37 custom homes and lots, also takes access from these same two streets.

With no other access available, driving on Ortega Highway is the only way for the Hunt Club residents to get in or out of their community – a fact of life that the Hunt Club shares with several other developments in the immediate vicinity, whose vehicular access is limited solely from the north side of Ortega Highway. As such, the several hundred people who reside in the Hunt Club will be acutely impacted by the Project and will suffer direct and significant adverse impacts from the widening of Ortega Highway.

On behalf of its members, therefore, the HCCA objects to Caltrans' failure to prepare and circulate an appropriate environmental impact report ("EIR") to address these impacts and to consider reasonable Project alternatives and feasible mitigation measures to avoid them. The members of the HCCA are very upset that Caltrans appears intent on rejecting the public's earnest request to prepare an EIR for the 3-mile-long widening project that will entail significant new traffic impacts (increased vehicle trips, emissions, noise, speeds, safety hazards, among 13 14) others, as detailed below), the construction of massive retaining walls in place of mature landscaping, the destruction or removal of some 111 trees, sidewalks, equestrian crossings and other features, and the adverse visual and aesthetic impacts associated with permanently



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California Department of Transportation September 4, 2007 Page 2

transforming the rustic surroundings at the eastern "gateway" to the City of San Juan Capistrano into an asphalt super-highway to serve thousands of proposed new homes outside of this community.

The residents of the Hunt Club cannot understand how Caltrans can possibly claim that every one of these numerous significant environmental impacts resulting from the Project will be "mitigated" to a level of "insignificance" so as to excuse the preparation of an EIR. In order to proceed with the project, Caltrans must comply with the requirements of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA"). Caltrans has chosen to comply with CEQA by preparing the MND, rather than a full EIR. However, under CEQA, there is "a low threshold requirement for preparation of an EIR, No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68, 84 (1974), and a "preference to resolve doubts in favor of full-blown environmental review," Sierra Club v. California Dept. of Forestry & Fire Protection, 150 Cal.App.4th 370, 381-383 (2007). Accordingly, an EIR must be prepared "whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact, even if there is substantial evidence to the contrary," Bowman v. City of Berkeley, 122 Cal.App.4th 572, 580 (2004) (emphasis added); Pocket Protectors v. City of Sacramento, 124 Cal.App.4th 903, 927 (2004).

The "fair argument" test requires a lead agency to prepare an EIR where "there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial," CEQA Guidelines § 15063(b)(1) (emphasis added); see, San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, 42 Cal.App.4th 608, 614-615 (1996). Stated differently, "for projects that may cause both beneficial and adverse significant impacts on the environment, preparation of an EIR is required because the consideration of feasible alternatives and mitigation measures might result in changes to the project that decrease its adverse impacts on California's environment," County Sanitation Dist. No. 2 v. County of Kern, 127 Cal.App.4th 1544, 1580 (2005) (emphasis added).

Our review of the MND reveals that it fails to comply with the mandatory requirements of CEQA in numerous respects, and is vulnerable to legal challenge if adopted by Caltrans. As an initial consideration, and as pointed out in the environmental consultant analyses attached to this letter as Exhibits "A" and "C," the MND does not even conform to the organizational and form requirements of the CEQA Guidelines. In order to comply with CEQA, Caltrans must abandon the truncated mitigated negative declaration process, and prepare and circulate for public review a full and complete EIR, analyzing all the potential impacts of the proposed Project, as well as an analysis of a full range of alternatives to the Project and its various components.

Among its many CEQA shortcomings, the MND fails to comply with California law in the following respects:





- Inadequate Project Description Piecemealing: A complete, adequate project description is at the core of any environmental analysis, and an inadequate project description invalidates an assessment under CEQA, Cadiz Land Co. v. Rail Cycle, LP, 83 Cal.App.4th 74 (2000). An agency may not "chop" a large project into smaller pieces, each with minimal impacts on the environment, to avoid full environmental disclosure, Bozung v. LAFCO, 13 Cal. 3rd 263, 283-284 (1975). Here, the Project improperly chops the Ortega Highway project widening into two pieces. The MND defines the total Project as extending from Calle Entradero to the intersection of San Antonio/La Plata. However, Caltrans is responsible for that portion of the Ortega Highway widening from Calle Entradero to the San Juan Capistrano/County boundary, while the County of Orange ("County") is responsible for that portion of the Project from the City/County boundary to San Antonio/La Plata (MND, pp. 1-1, 1-3). The MND also makes clear that the County will construct both of these portions of the Ortega Highway project concurrently (MND, p. 1-9); but the MND includes no analysis of the environmental impacts resulting from the entirety of the Project. By analyzing the impacts of just that portion of the Project being approved by Caltrans, the MND improperly piecemeals the SR 74 Project, ignoring the real direct and cumulative environmental impacts of the Project as a whole. See, Christward Ministry v. Superior Court, 184 Cal.App.3rd 180, 193 (1986).
- Unmitigable and Unavoidable Visual and Aesthetic Impacts: The MND fails to recognize that the Project will cause significant, unavoidable and unmitigable impacts associated with the loss of the rural atmosphere and aesthetic qualities that have long characterized the eastern "gateway" to San Juan Capistrano along the Ortega Highway. The MND does acknowledge that the Project is within a semi-rural setting with "sensitive visual resources" (MND, p. 2-45). While methodologically flawed as shown in the "Ortega Highway Review -Aesthetics" report attached hereto as the Exhibit "A," the "Visual Impact Assessment" prepared for the MND provides some detail regarding the visual resources associated with the existing alignment of Ortega Highway. For example, the area near the Hunt Club has "significant streetscape elements," including tree plantings, meandering sidewalks, groundcover and horse trails, creating a visual landscape with "no intrusions," joining "to form coherent, harmonious visual patterns" with "elements that combine striking visual patterns" (Visual Impact Assessment, p. 16). Further east, the existing SR-74 alignment reflects "consistent variety of color contrasts" and "consistent variety of textures that create perceivable patterns in the landscape" (Visual Impact Assessment, p. 17).

The proposed Project will eliminate these long-standing landscape improvements and aesthetic resources, and replace them with block walls and asphalt. Existing slopes will be graded flat and existing vegetation and 110 mature trees cut down, in order to construct five retaining walls up to 25 feet high and 850 feet long, and two 14 foot high sound walls (MND, pp. 1-13 through 1-16). As the newspaper articles attached hereto as Exhibit "B" demonstrate, numerous residents have described the serious adverse impacts of the Project, based upon their direct knowledge of the Lower Ortega Highway area and the Project. "Relevant personal observations of area residents on non-technical matters may qualify as substantial evidence for a



131/026222-0001 833446-01-a08/31/07



fair argument," Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist., 116 Cal.App.4th 396, 402 (2004). Indeed, the MND concedes that, after construction, Ortega Highway would feel less like a community drive and more like a thoroughfare, concluding that "the visual impact of the retaining walls and the sound walls on both the motorists and residential viewers would be negative" (MND, p. 2-48).

Common sense dictates that these overwhelming negative visual impacts cannot be mitigated to a level of insignificance. Indeed, the attached Aesthetics Report highlights the defects in the MND's proposed mitigation measures. The mitigation is inadequate, uncertain and incomplete; and the specific "mitigation measures" merely defer mitigation in violation of CEQA. The MND proposes no specific mitigation measures to address the significant adverse visual impact of the sound walls, noting that the actual design is uncertain at this point. While noting that "planting of vines on the walls and small street trees can help to minimize the harshness of a sound wall (MND, p. 2-64) (emphasis added), the MND neither commits Caltrans to such plantings nor concludes that the plantings in fact will minimize the admitted harshness of the sound walls. Similarly, the MND proposes no specific retaining wall design, acknowledging that a variety of potential designs exist; but the MND fails to analyze the extent to which any of the possible alternative would mitigate the stark, blank appearance of the retaining walls. Indeed, the mitigation measures do not even require any treatment to the retaining walls to minimize their appearance. (MND, p. 2-64).

While proposing to create new "urban-feel" vertical surfaces through the sound walls and retaining walls, the MND includes no analysis whatsoever of the environmental impacts of likely urban responses to those walls, including vandalism and graffiti. Finally, while the MND frequently references the "need" for replacement trees, shrubs and ground cover, the MND does not *require* any landscaping or replacement planting. Indeed, it is not physically possible to install such landscaping based upon the current plans for the Project. Highlighting its own inadequacy in this regard, the MND states that "Replacement planting can be constructed as a separate landscape project" (MND, p. 2-64), underscoring the lack of any real mitigation of these visual impacts.

3. Incomplete, Inadequate Air Quality Analysis: The MND's assessment of air quality impacts from the proposed Project (both construction and long-term operational) is deficient in numerous respects, including the lack of any quantified assessment of construction or operational emissions, the failure to determine whether construction and operation emissions are within South Coast Air Quality Management District ("SCAQMD") maximum thresholds, the failure to conduct an assessment of potential health risks to the residents adjacent to the expanded roadway, and the lack of any analysis of global warming impacts. Attached as Exhibit "C" is a due diligence report on air quality and noise impacts prepared by the environmental consultant firm Synectecology, that sets forth these and other deficiencies with respect to air quality in much greater detail; for your convenience, the defects are summarized as follows:





- Contrary to accepted practice, the MND makes no effort to determine the types and number of vehicles and pieces of equipment that will be used in the construction of the Ortega Highway widening; as a result, the MND does not (and cannot) calculate the projected emissions during the construction of the Project. Although a number of air quality models are available to assess construction air quality impacts, Caltrans inexplicably chose not to use any of them.
- The MND contains no quantified analysis of short-term construction impacts, or the relationship between construction emissions and SCAQMD air quality thresholds for regional significance.
- The MND contains no quantified analysis of operational impacts, or the relationship between operational emissions and SCAQMD air quality thresholds for compliance with ambient air quality standards.
- The MND contains no analysis of the health effects to residents adjacent to the proposed widened Ortega Highway, which will now be significantly closer to residences, even though the Air Quality Assessment supporting the MND indicates that almost one-third of the vehicular trips is comprised of truck traffic. In this regard, a major new study on the health impacts of residential facilities adjacent to freeways and other major thoroughfares was published in January, 2007 in The Lancet, a leading medical journal. Based on data from Southern California, the study concludes that vehicle-borne air pollution can substantially impact lung development of children. Given the evidence of the relationship between vehicular pollution and health problems, an analysis of the Project's health effects should be undertaken.
- The MND contains no analysis of global warming. The MND explains the need for such an assessment, but then indicates (without analysis) that individual projects are too small to affect global warming (MND, pp. 2-94, 2-98, 2-100). An agency may not use the failure to gather available data as a basis for failing to analyze impacts, Lighthouse Field Beach Rescue v. City of Santa Cruz, 131 Cal.App.4th 1170, 1201 (2005). In fact, a number of air quality models calculate the production of carbon dioxide emissions, which is understood to be the major contributor to global warming. While criteria may not yet be established to determine if greenhouse gas emissions are significant, the MND should at least provide a quantification of these emissions so that Caltans and the public can judge their magnitude and significance. It bears emphasis that the California Attorney General has determined that the failure to analyze and mitigate

131/026222-0001 833446 01 a08/31/07



global warming impacts is such a serious CEQA violation that the Attorney General has initiated litigation against local agencies that – like CalTrans here – fail to do so (see newspaper article attached as Exhibit "D").

- The MND and its associated Air Quality Technical Assessment fail to use locally proximate data in the assessment of air quality impacts. Rather than using available data from the Saddleback Monitoring Station, the MND and Assessment instead rely on data from more distant stations, in Anaheim and Costa Mesa.
- The MND and Air Quality Technical Assessment use the outdated 2003 Air Quality Management Plan, rather than the recently promulgated 2007 Plan.
- 4. <u>Unavoidable Noise Impacts</u>: The MND lacks a meaningful assessment of potential noise impacts, and uses an inappropriate threshold of significance that precludes any meaningful determination of whether the impact is significant. The following points summarize more detailed discussion in the Synectecology assessment attached hereto as Exhibit "C":
 - The MND uses an improper threshold of 12 dBA as the threshold of significance; the threshold of 12 dBA requires that the volume of noise increase 15.8 times in order to be significant, which is an unreasonably high significance threshold under CEQA. Most governmental agencies and planning and environmental consultants in Southern California deem a noise increase of 3 dBA (i.e., a doubling in noise volume) to be an appropriate threshold for determining significance in noise impacts.
 - The limited noise analysis in the MND indicates that construction noise could reach 91 dBA at the boundary of local residences, which represents an increase of 20 to 40 dBA from the current noise levels. This increase in fact exceeds the unreasonably high 12 dBA threshold established by Caltrans.
 - The MND contains no real analysis of the ability of the proposed sound walls to mitigate impacts from heavy trucks, which the MND indicates comprise 16.3% of all vehicles on Ortega Highway.
 - The noise data on which the MND relies is obsolete, having been developed in February of 2004. Standard practice among local governmental agencies and environmental planners in Southern California is to require new noise studies when the data is more than two years old.

I)





- 5. <u>Inadequate Traffic Analysis</u>: The traffic assessment in the MND is incomplete in that it fails to account for increased traffic on Ortega Highway once it is widened, because the MND fails to assess traffic safety impacts from the widened roadway, and because the assessment of traffic impacts does not consider the possible delay or cancellation of the proposed SR-241 extension:
 - The MND does not analyze the potential for increased traffic on SR-74, once it is widened, due to a likely shift of traffic from SR-91 and SR-76. The MND states that the Ortega Highway is the only east-west connector from I-5 to the Inland Empire between State Routes 91 and 76, and it is common knowledge that all three roadways are currently congested. (MND, p. 1-6). By this and other projects, SR-74 will at least temporarily cease to be congested, with the MND anticipating vehicle speeds increasing to 55 to 60 mph (MND, p. 2-40). Given that the carrying capacity of SR-74 will essentially double with the widening projects, the MND should assess the likely potential for motorists commuting daily on the congested SR-91 and SR-76 to shift to the widened, temporarily uncongested SR-74 upon completion of the Project.
 - The MND contains no real assessment of traffic safety impacts. previously noted, the vehicle speeds on Ortega Highway will increase to 55 to 60 mph as a result of the Project, and this increased speed will increase the existing difficulty of motorists entering or leaving nonsignalized streets (and driveways) intersecting Ortega Highway. hundreds of residents, as well as the hundreds of service providers and homeowner guests, who travel to and from the Hunt Club every day will be faced with extremely unsafe road conditions as they attempt to enter or exit the Hunt Club. As local residents observe (see newspaper articles in Exhibit "B" hereto), drivers – and particularly teenage drivers traveling to and from Santa Margarita High School and the new San Juan Hills High School off of La Plata – have an increased likelihood to be involved in auto and vehicular collisions either when these drivers attempt to access Ortega Highway, (particularly when making left-hand turns), or when the drivers make left turns from Ortega Highway into residential tracts. These significant potential traffic safety impacts should be analyzed by Caltrans in an EIR prior to approval of the Project because the likelihood of serious traffic accidents and injuries cannot be ignored. At various public information sessions held by Caltrans, Caltrans personnel have apparently suggested that, to avoid the radically-increased safety hazards that will be faced by vehicles attempting to turn left out of the Hunt Club, drivers should only turn right (west-bound) and then attempt to make a "u-turn" on Ortega in order to travel in the desired eastern direction. Needless to

131/026222-0001 833446 01 a08/31/07



> say, such proposed "mitigation" is whimsical at best and fails to address the realities of the terribly hazardous conditions that the Project is imposing on the Hunt Club residents and all motorists on Ortega Highway.

- The MND fails to analyze or mitigate the impacts to the public generally, and to disabled persons in particular, for the Project's elimination of the handicapped right-of-way.
- The MND fails to analyze the Project's encroachment upon an easement specifically dedicated for horse trail use, and the resulting traffic and safety impacts of that encroachment.
- The MND does not analyze the effect of a delay or cancellation of the proposed SR-241 extension upon the traffic volumes or speeds of the widened Ortega Highway. The SR-241 extension project is highly controversial, and a number of federal, state and local officials have opposed it (as evidenced in the newspaper article attached as Exhibit "E"). The County's EIR No. 589 for the Ranch Plan succinctly stated, "Whether this road [i.e., SR-241 extension] will be built, and the precise alignment, is uncertain at this time" (EIR No. 589, p. 1-8). The MND improperly fails to assess whether a delay or cancellation of this regional tollway project would impact the volumes and speeds on the widened Ortega Highway, and the extent of such impacts.
- 6. Failure to Analyze Growth Inducing Impacts: The MND fails to meaningfully assess the growth inducing impacts of widening Ortega Highway, which would affect the air, traffic, and noise impacts. The MND recognizes that the Elsinore area at the eastern terminus of SR-74 is expected to double in population by 2020, while Riverside County as a whole will increase by almost 86% during that time period. At the same time, the Elsinore area contains significant un-entitled vacant, developable land; as the MND notes, some 84,000 acres of land in or near Elsinore are designated as open space or "rural" (MND, p. 2-18). Given the already-significant increases in population and development in the Inland Empire, and the ever-increasing pressure for new housing in Southern California, it is highly likely that a significant portion of these 84,000 acres of open space or rurally designated lands will be redesignated for a more intense residential use. As the court aptly declared in Stanislaus Audubon Society v. County of Stanislaus, 33 Cal.App.4th 144, 157 (1995), "Zoning is subject to change and amendment of a general plan is not a rare occurrence."

Assuming only 20% of the 84,000 acres (or approximately 17,000 acres) are redesignated to low density (i.e., 4 units per acre) entitlement over the next ten years, development of these lands will result in approximately 68,000 new homes. Applying a common low density trip generation rate of 10 trips per day for single-family detached residences, the redesignation and





development of this small portion of the undeveloped, un-entitled Elsinore area lands would generate an additional 680,000 average daily trips. All projections (including the Riverside County Population and Employment Forecasts referenced in the MND) show that Riverside County will continue to be "jobs poor." From this, it is evident that a significant portion of these daily trips will use SR-74 to travel to the jobs-rich Orange County area. The MND should assess the potential effect of a widened, uncongested SR-74, with freeway-like speeds, on the likelihood for redesignation to more intense residential uses of some or all of the 84,000 currently vacant and developable open space or rural lands in and around Lake Elsinore.

7. No Mitigation of Biological Impacts: The MND fails to provide adequate, meaningful mitigation for many of the biological impacts that are acknowledged as a result of this project. In some cases, the MND states that "The County of Orange shall be responsible for mitigation of the project impacts" (MND, pp. 2-121, 2-126) (emphasis added). The MND also states, with respect to another mitigation measure, that "the County shall implement applicable conditions" of certain regulatory documents (MND, p. 2-126) (emphasis added). However, it bears emphasis that "Each public agency is required to comply with CEQA and meet its responsibilities, including evaluating mitigation measures . . .", Citizens for Quality Growth v. City of Mt. Shasta, 198 Cal.App.3rd 433, 443 (1988) (emphasis added and in original). While CEQA recognizes that a local agency may find that mitigation is within the responsibility and jurisdiction of another public agency when certifying an EIR (CEQA Guideline Section 15091 (a)(2)), CEQA does not permit a lead agency to delegate mitigation authority to a third party in the context of a mitigated negative declaration.

With respect to other biological impacts, the MND defers mitigation, rather than imposing specific measures to reduce or eliminate Project impacts. For example, with respect to the loss of "waters of the United States" resulting from the Project, the MND proposes as mitigation the preparation of a "Compensatory Mitigation Plan" by the United States Army Corps of Engineers; however, conditioning a negative declaration on another agency's future review and mitigation is insufficient to support a determination that potentially significant impacts are mitigated. Sundstrom v. County of Mendocino, 202 Cal.App.3rd 296, 311 (1988). In this regard, the MND indicates that the conditions of the Compensatory Mitigation Plan "are expected to include" certain features, without specifying whether Caltrans will in fact impose those mitigation features on the Project.

Yet other mitigation measures are so vague or uncertain as to provide no meaningful assurance of mitigation. For example, with respect to mitigating impacts upon nesting birds, the MND provides that "Vegetation removal in upland areas should not occur during the primary nesting season . . .," but "If vegetation removal must occur during this period, then preconstruction surveys shall be conducted . . ." (MND, pp. 2-133, 2-134) (emphasis added). The mitigation measure is internally inconsistent and sets forth no criteria for determining when vegetation removal "must" occur; and the provision that vegetation removal "should not occur" does not provide sufficient specificity or mandate to constitute adequate mitigation under CEQA.



20



Similarly, a mitigation measure purporting to protect sensitive plants provides that mapping should be conducted "for appropriate avoidance during construction," but the mapping information will be used for other purposes "if the population cannot be avoided during construction" (MND, p. 2-130). No criteria are established for determining "appropriate avoidance" and "if the population cannot be avoided".

Finally, without defining what constitutes adequate "protection," the MND sets forth as a mitigation measure that, to ensure protection to biological resources, a "Biological Resources Construction Plan (BRCP) that provides for the protection of the resource and establishes the monitoring requirements will be completed" (MND, p. 2-134). The future preparation of a mitigation plan is not acceptable mitigation. Criteria for protection, and the monitoring requirements to ensure protection, should be set forth in the MND, rather than later; a negative declaration that requires the formulation of mitigation measures at a future time, without specific performance standards, is inadequate under CEQA, League for Protection of Oakland's Etc. Historic Resources v. City of Oakland, 52 Cal.App.4th 896 (1997).

Based upon the above-referenced inadequacies in the draft MND, the HCCA strongly requests that Caltrans suspend the current mitigated negative declaration process, and instead prepare a full, comprehensive environmental impact report that analyzes all of the potential impacts from this Project, assesses reasonable alternatives to the Project and its component elements, and fully analyzes specific, enforceable mitigation measures. The failure to prepare an EIR has deprived HCCA and its members of the opportunity to meaningfully analyze and comment on the impacts associated with a reasonably range of project alternatives that, for example, would eliminate the proposed retaining walls, preserve all or some of the existing landscaping improvements, and reduce the projected road width of the Project. Caltrans cannot avoid its legal obligation under CEQA to provide the public with a reasonable number of widening options other than the proposed Project. Unless Caltrans foregoes the flawed draft MND and embarks upon a comprehensive EIR, Caltrans' approval of the SR-74 widening project will be in violation of CEQA.

4





Thank you for this opportunity to submit comments on the draft Mitigated Negative Declaration and Initial Study for the State Route 74 Lower Ortega Highway widening project. Should you have any questions regarding these comments, please feel free to contact me.

Very truly yours,

RUTAN & TUCKER, LLP

JDK:df Enclosures

cc: Edmond M. Connor, Esq., HCCA

Jim Shubsda, HCCA Dick McEwen, HCCA Art Cusolito, HCCA Ben Trosky, HCCA Richard Pierce, HCCA (all via e-mail)



5-6
Exhibits

Mr. Kuperberg Rutan & Tucker, LLP 611 Anton Boulevard, 14th Floor Costa Mesa, CA 92626

August 3, 2007

Re: Visual Assessment Review for State Route 74 Lower Ortega Highway Widening Initial Study and Mitigated Negative Declaration

Mr. Kuperberg:

At the request of Rutan & Tucker, LLP, Brody Consulting has completed a peer review of the Visual Assessment portions of the Caltrans' prepared CEQA Initial Study and Technical Appendices for the above referenced project. In summary, the CEQA Guidelines and significance criteria have not been applied to the analysis, there are no logical conclusions or discussion as to the levels of significance of impacts, and there is no discussion of residual impact following mitigation. In this regard, the impact analysis of visual assessment is flawed, and requires revision.

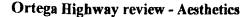
The review and a biographical paragraph of my background and experience are attached to this submittal. If you have any questions, please do not hesitate to call.

Sincerely,

Linda Brod Principal

Enclosure:

Phone: 714-669-9799 Phone: 714-624-0081 Fax: 714-669-0464 e-mall: lindabrody®



Main Document:

General Comments:

The main document is in the form of a NEPA Environmental Assessment (EA), and NOT a CEQA Initial Study (IS). The checklist in Appendix A only serves to reference the pertinent sections of the EA. The use here is inappropriate for a CEQA document. The impact analysis needs to be modified to better reflect CEQA.

The main document impact analysis neither references the significance criteria from Appendix G of the CEQA Guidelines, nor utilizes the significance criteria in the analysis. The Visual Assessment in the main document is comprised of cutting and pasting the Technical Study of Visual Assessment, and adding [on page 2-63], a section on "Avoidance, Minimization, and Mitigation Measures." Thus, both the Technical Study and main document assessments conclude, for example, that the viewer's impressions of a viewshed would be "negative" without defining the level of impact significance, and without relating the impact to the CEQA Guidelines significance criteria. For Aesthetics, these criteria are:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to trees, outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day and nighttime views in the area?

These criteria are included in the checklist in Appendix A, however, they need to be applied in the main document in the analysis as stated above. The Visual Assessment section needs to be entirely rewritten in Initial Study format with subsections addressing each of the four above criteria.

Given that the five Visual Assessments include both "before" and "after" photos and photo simulations, and given that the "after" conclusions are that the viewers will experience "negative", will have "high sensitivity", etc., it is apparent that the conclusions would be for significant impacts. However, no such conclusions are reached and the reader is left to wonder or guess the levels of significance. Provide conclusions and substantiations for each significant impact. In the discussion of mitigation measures, there is no reference back to these five Visual Assessments, thus there is no conclusion as to whether each can be mitigated to levels that are less than significant. Further, there is no general overall analysis that addresses the overall impact of the designated scenic highway.

23

There is no analysis of the City of San Juan Capistrano General Plan Elements; goals and policies that would be affected by the Project. Further, there is no mention of County or State planning guidelines, policies, goals, or criteria that would be affected.

There is no assessment of light and glare in the technical study, and such, there is no assessment of light and glare in the main document. This is an important element, given that the roadway widening will result in traffic lanes being closer to existing residences. The potential for more direct light/glare from vehicle headlights coming into resident's homes needs to be evaluated, especially for the light penetrating wall panels, and those areas where no sound walls would be placed. The conclusion in the Appendix checklist is totally without validation.

Specific Comments:

Pg. 2-45, 3rd paragraph: The analysis in the main document is copied from the Technical Study which follows FHWA Guidelines, that is, a federal agency's guidelines. While this can be an acceptable methodology for use in a CEQA document, an introduction that explains why it is used, and how it relates to CEQA for this project needs to be incorporated into the main document. The introduction needs to convey the use of CEQA terminology, and define the Appendix G Guidelines/IS levels of significance.

Pg. 2-46, middle of page: The analysis references the City of San Juan Capistrano General Plan, and calls out Elements and Goals of the General Plan that relate to visual resources, directly or indirectly. However, there is no mention of County or State scenic planning criteria, General Plan, or County and State scenic Highways designations. In fact, Caltrans has designated Highway 74 a State Scenic Highway from "I-5 Nr San Juan Capistrano/I-111 (All)". A discussion of this scenic highway designation needs to be added, and an analysis of the impacts of the changes to the scenic highway is required to be consistent with the significance criteria. Refer to Caltrans website at http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm.

Further, "The stated intent (Streets and Highways Code Section 260) of the California Scenic Highway Program is to protect and enhance California's natural scenic beauty and to protect the social and economic values provided by the State's scenic resources. Refer to Caltrans website at: http://www.dot.ca.gov/hq/LandArch/scenic/scando.htm.

Further, Code 260, states in part... "It is further declared to be the intent of the Legislature in designating such scenic highways to assign responsibility for the development of such scenic highways and for the establishment and application of specific planning and design standards and procedures appropriate thereto and to indicate, in broad statement terms, the location and extent of routes and areas requiring continuing and careful co-ordination of planning, design, construction, and regulation of land use and development, by state and local agencies as appropriate, to protect the social and economic values provided by the State's scenic resources." [Emphasis added.]

Save Qur San Juan % 29422 SPOTTED BULL WAY SAN JUAN CAPISTRANO, CA 92675 PHONE 949-364-6818 - Fax 714-634-0254 - sosbobking@



September 7, 2007

VIA FAX; A TOTAL OF 15 PAGES. ATTENTION: MS. IFFAT QAMAR

Mr. Smita Deshpande, Environmental Branch Chief Environmental Planning **CALTRANS** 3337 Michelson Drive Suite 380 Irvine, CA 92612-0661

RE: Project Initial sturdy (IS) and proposed mitigated negative declaration (MND) for CALTRANS' Ortega Highway Widening Project ("project").

Dear Ms. Qamar and Mr. Deshande:

Thank you and the whole CALTRANS staff for the consideration, courtesy, and assistance you all have provided in the San Juan Capistrano community's involvement with the subject project.



These comments are being made on behalf of our past, current, and future members.

The comments made by and on behalf of the City of San Juan Capistrano regarding the subject project and documents are incorporated herein by this reference and made a part of this submission.

For the reasons given below, we respectfully deny and dispute CALTRANS' analysis and conclusions in the IS and MND. For the reasons given below, we respectfully request an EIR be done, and the EIR include a comprehensive analysis of the issues and options presented below.

1. The IS and MND are fatally flawed in that per CEQA 15378 both documents erroneously defines the "project." CALTRANS has acted as though the "widening of SR-74 through is a separate, standalone (isolated) event. demonstrated below, the existing and known facts disputes that assertion.

The extend and timing of the SR-74 widening, especially through San Juan Capistrano (SJC), is driven by the projected traffic from the Rancho Mission Viejo (RMV). Without that traffic, SR-74 through SJC would not be required to be expanded as is now being proposed. Additionally, without RMV, choosing between the CEQA required trade-offs of destroying the nature of the entrance to the unique and historical neighborhood of San Juan Capistrano and the affected individual neighborhoods, versus widening SR-74 as it is now proposed would definitely be in favor of preserving the nature of the eastern entrance to San Juan and the affected neighborhoods. Continued



CALTRANS/Ms. Qamar/Mr. Deshande SR-74 Widening September 8, 2007

Page 2 of 15



So, to any objective observer, RMV is definitely a major part in the traffic analysis and projections leading to the widening of SR-74.

CEQA 15378 reads: (a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment. (Our emphasis.)

CALTRANS did not include RMV in either the IS or the mitigation methods in the MND. The more daily vehicle trips (DVT) that can be reduced at RMV, the less environmentally impacting the widening of SR-74 will be. Therefore, CEQA 15378 dictates that RMV be included in the "whole of the action" of widening SR-74 through San Juan Capistrano.

That being the case, CALTRANS' current IS and MND are CEQA deficient, and an EIR must be prepared and, per CEQA 15378, must include reducing the RMV caused traffic on SR-74 as part of the EIR's "alternatives" and "mitigations."

The above should be sufficient grounds for CALTRANS to issue a declaration of requiring an EIR for the widening of SR-74. CALTRANS should seek maximum community participation in that EIR process.



2. In addition to number 1, above, the subject IS and MND are fatally flawed in that the CEQA required evaluation of "alternatives" was grossly inadequate, almost nonexistent. The primary cause of this error was that, it appears, CALTRANS approached the widening of SR-74 from the question of, "How can we get the maximum DVT on SR-74?" That leads to only considering "alternatives" that transports people via cars; thus, eliminating all consideration of mass transit alternatives and considering any alternatives that would reduce the need for additional DVT capacity on SR-74.

CALTRANS' ignoring all possible mass transit alternatives and any alternatives that would reduce the need for additional DVT capacity on SR-74 leads to only three design criteria: Get the maximum number of lanes possible, have the traffic go as fast as it can, and meet the minimum safety and environmental requirements. That criterion and the incomplete CEQA analysis it fostered has produced a widening of SR-74 that will convert a "scenic highway" in to a speeding thoroughfare that destroys the nature of the eastern entrance to San Juan and affected individual neighborhoods, reduces the air quality, and adversely affects the safety of the community.

Both the letter and the spirit of CEQA require CALTRANS to start over with an EIR that properly defines the **whole** project per number 1, above, and includes as many DVT-reducing, mass transit alternatives as possible.



Save Our San Juan (SOS) has never opposed any project without proposing an alternative. With that philosophy, we present Save Our San Juan's (SOS)

Alternative Plan-A for The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-

CALTRANS/Ms. Qamar/Mr. Deshande SR-74 Widening

September 8, 2007

Page 3 of 15



A" in Exhibit A and Save Our San Juan's (SOS) Alternative Plan-B for The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-A") in Exhibit B.

These plans are conceptual in nature. They are, however, serious possibilities that deserve serious evaluation before CALTRANS declares that the only way to address the transportation needs of South Orange County is just adding as many lanes of vehicle traffic as can possible be squeezed in, even if doing so destroys the nature of the San Juan community and individual residential and equestrian neighborhoods. Indeed, not only are SOS's Plan-A and Plan-B deserving of serious analysis and consideration by CALTRANS, CEQA statutorily requires CALTRANS to perform such serious analysis and consideration. In our judgment, that can only be professionally and competently accomplished through an EIR process with maximum community participation.

Some may proclaim SOS's Plan-A and or Plan-B is impractical. Both SOS's Plan-A and Plan-B are more practical than Mission Viejo's plan to extend SR-74 across I-5. Additionally, SOS's Plan-A and Plan-B are significantly more environmentally preferred per CEQA standards. SOS led the fight against the Mission Viejo Plan. The San Juan Capistrano City Council unanimously agreed with that position; see Exhibit-C.

The City of San Juan Capistrano has a long history of actively protecting and preserving the non-commercial, historical, and rustic nature of the entrances to the City. The City has gone to considerable expense and effort over a long period of time to preserve the knoll at the northern entrance to the City with the stated purpose of maintaining a barrier between San Juan Capistrano's rustic, historical nature and the commercialism of Mission Viejo. In the last year the City Council has continued the effort to protect the northern entrance to the City by actively opposing the Mammoth Equities Properties efforts to adversely affect the northern entrance to San Juan; please see Exhibits-D, E, and F. CALTRANS ignored these facts in their truncated environmental analysis by opting to do a MND as oppose to doing an EIR. CALTRANS should admit their mistake and declare they will do a full EIR with maximum community participation.

3. In addition to number 1 and 2, above, the subject IS and MND are fatally flawed in that the analysis of the affects on other regions and on existing or pending projects was grossly inadequate.

The most significant error in this regard was CALTRANS not coordinating with the governmental agencies to generate a **REGIONAL CONPREHENSIVE PLAN**. That would include the cities of San Juan, San Clemente, Mission Viejo, and Laguna Niguel; the Orange County Transit Authority (OCTA); Metro Link; The Transportation CORRIDOR AGENCY (TCA); the OCTA's South Orange County Stakeholder Working Group, and other appropriate joint municipalities agencies.

CALTRANS could be the one governmental agency that has the influence with the different municipalities and other governmental agencies to affect a **REGIONAL** traffic compromise. Indeed, the widening of SR-74 to any degree will have an



CALTRANS/Ms. Qamar/Mr. Deshande SR-74 Widening September 8, 2007 Page 4 of 15



adverse affect on the values and nature of San Juan. The doctrine of fairness mandates that CALTRANS also obtain "concessions" from the other **REGIONAL** municipalities that would serve as mitigating measures for the widening of SR-74 through San Juan. If that approach were taken, conceivable, the widening of SR-74 could be reduced to an acceptable level of mitigated environmental impact. An IS and a MND are not sufficient for CALTRANS to pursue that **REGIONAL** approach.

Therefore, an EIR is required so that the minimum environmental impact can be designed into the SR-74 widening. Indeed, CALTRANS is probable the only governmental agency that can affect such a compromising approach between the competing and disagreeing local agencies. The widening of SR-74 may well be the last opportunity for CALTRANS to exert their influence to optimize traffic flow in South Orange County while minimizing as much as practical the environmental impact of doing so. That fact weighs heavy in favor of a redefined project as explained above and a comprehensive EIR with maximum community participation.

4. In addition to number 1, 2 and 3, above, the subject IS and MND are fatally flawed in that they failed to acknowledge and or analyze the affects of the additional RMV traffic carried on the proposed widening of SR-74 would have on the existing regional transportation mitigation park-and-ride facilities located at Rancho Viejo Road (RVR) and J-Serra. It would not be surprising if a complete analysis revealed the two regional mitigation facilities would be maxed out. If the two park-and-ride facilities become maxed out, the effects that would have on the RVR/J-Serra intersection and the J-Serra/I-5 on/off ramps need to be mitigated in the environmental document. Neither the effects nor the possible mitigation are addressed in the current IS and MND.

The **REGIONAL** impacts of the increased traffic resulting from the currently proposed and improperly mitigated project are so global and extensive, an EIR is required.

- 5. The existing IS and MND are insufficient in the mitigation methods being proposed. The following additional mitigation methods should, as a minimum, be included in the final project and evaluated in the resulting environmental documents for the properly defined project.
 - A. No construction should start on the SR-74 widening project until after the SR-74/I-5 interchange has been completely finished. The improvement of the SR-74/I-5 interchange is, in and of itself, a specific mitigation measure for the increased traffic, noise, and reduced air quality along residential and equestrian neighborhoods along SR-74.
 - B. Likewise for the San Juan Capistrano's now approved improvement project for the RVR/J-Serra intersection and the J-Serra/I-5 interchanges.
 - C. The initial paving material and any repaving material to be used on SR-74 should be the most noise reducing material available no exception. This need

CALTRANS/Ms. Qamar/Mr. Deshande SR-74 Widening September 8, 2007 Page 5 of 15



to be specified in the official document with no possibility of this requirement being changed without an official vote by the voters of San Juan Capistrano in an official election.

7

D. Any mature tree that is removed needs to be replaced with a minimum 60-inch boxed tree. We know of no CEQA statute or case law that allows a responsible agency's, in this case, CALTRANS's, internal "policy" to supercede the statutory CEQA requirement that the environmental impact be minimized. Nor are there grounds for transferring the cost of doing this to the City of San Juan Capistrano.

We thank you and CALTRANS for your consideration of the above comments. If you need to reach me by phone, please call 949-364-6818.

Very truly yours,

Save Qur San Juan, Inc.

Robert P. King, President



Attachement: Exhibit A, <u>Save Our San Juan's (SOS)</u> Alternative Plan-A For The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-A")

Exhibit B, Save Our San Juan's (SOS) Alternative Plan-A For The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-B")

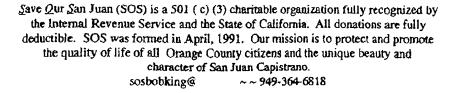
Exhibit C, San Juan Capistrano City Council's Resolution 06-03-27-01

Exhibit D, San Juan Capistrano City Clerk's Notification of City council Action on April 3, 2007

Exhibit E, San Juan Capistrano City Council's Resolution 07-08-21-04

Exhibit F, San Juan Capistrano's efforts against the USPS facility at the northern entrance to the City

Continued with Exhibits A, B, C, D, E, and F



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CALTRANS' ORTEGA HIGHWAY WIDENING PROJECT'S ("PROJECT") PROJECT INITIAL STUDY (IS) AND PROPOSED MITIGATED NEGATIVE DECLARATION (MND)

Save Our San Juan's (SOS) Alternative Plan For The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan")

- A. Rancho Mission Viejo (RMV) would establish a regional transportation center (RMVRTC) that would be modeled after the Irvine regional transportation center. The RMVRTC would provide a sufficient park-and-ride facility plus a coordinated lateral bus system that connected to strategic neighborhood locations within RMV;
- B. At SR-74 and La Pata Ave./Antonio Parkway, a large park-and ride facility be constructed plus a coordinated lateral bus system that connected to the San Clemente Metro-Link train station and the San Juan Metro-Link train station.
- C. The existing Metro-Link train station at Laguna Niguel be expanded into to a regional transportation center (LNRTC) with an adjacent park-and ride facility plus a coordinated lateral bus system that connected to strategic neighborhood locations within the Laguna Niguel, Mission Viejo, San Juan Capistrano, and Laguna Hills areas;
- D. Connections in both directions to the LNRTC with State Route-73 be made from Greenfield to the western side of the LNRTC;
- E. Camino Capistrano in both directions be connected to Oso Parkway;
- F. Avery Parkway be extended to Antonio Parkway across the Mission Viejo golf course. (Note: In 1998, Mission Viejo was the driving force in the abandonment of the then planned Avery extension.)
- G. A true "monorail" be provided from the LNRTC to an appropriately located regional transportation center in the Rancho Mission Viejo Development (RMVRTC). NOTE: This is <u>not</u> to be "light rail" or anything similar, but a true monorail facility, or its low noise, non-polluting equivalent; and
- H. The path of the "monorail" proceeds from the LNRTC eastward to connect to Saddleback College, then on to the La Pata Ave./Antonio Parkway facility, and then on to the RMVRTC.

In meeting future transportation needs, the time has come for Orange County to seriously consider alternatives to adding more lanes of traffic and destroying more neighborhoods. The SR-74 widening project is the proper place to start. The nature of San Juan should not be destroyed when an alternative may exist.

Save Qur San Juan (SOS) is a 501 (c) (3) charitable organization fully recognized by the Internal Revenue Service and the State of California. All donations are fully deductible. SOS was formed in April, 1991. Our mission is to protect and promote the quality of life of all Orange County citizens and the unique beauty and character of San Juan Capistrano. sosbobking@aol.com - 949-364-6818

Save Qur Sau Juan % 29422 SPOTTED BULL WAY SAN JUAN CAPISTRANO, CA 92675 FAX 949-364-6818 PHONE 949-364-6818



Save Our San Juan's (SOS) Alternative Plan B For The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-B")

- A. Rancho Mission Viejo (RMV) would establish a regional transportation center (RMVRTC) that would be modeled after the Irvine regional transportation center. The RMVRTC would provide a sufficient park-and-ride facility plus a coordinated lateral bus system that connected to strategic neighborhood locations within RMV;
- B. At SR-74 and La Pata Ave./Antonio Parkway, a large park-and ride facility be constructed plus a coordinated lateral bus system that connected to the San Clemente Metro-Link train station and the San Juan Metro-Link train station;
- C. The existing Metro-Link train station at Laguna Niguel be expanded into to a regional transportation center (LNRTC) with an adjacent park-and ride facility plus a coordinated lateral bus system that connected to strategic neighborhood locations within the Laguna Niguel, Mission Viejo, San Juan Capistrano, and Laguna Hills areas;
- D. Connections in both directions to the LNRTC with State Route-73 be made from Greenfield to the western side of the LNRTC;
- E. Camino Capistrano in both directions be connected to Oso Parkway;
- F. Avery Parkway be extended to Antonio Parkway across the Mission Viejo golf course. (Note: In 1998, Mission Viejo was the driving force in the abandonment of the then planned Avery extension.);
- G. A route of express busses, i.e., no intermediate stops, be established between the Rancho Mission Viejo regional transportation center, the SR-74 and La Pata Ave./Antonio Parkway regional transportation center, the San Clemente Metro-Link train station, Saddleback College, and the Laguna Niguel regional transportation center, and the San Juan Rancho Viejo Road/J-Serre park-and-ride facility.
- H. The use of such an express bus system may reduced the DVT's on SR-74 between La Pata Ave./Antonio Parkway and I-5 to a level that would significantly reduce the required expansion of SR-74 coming into San Juan Capistrano.

In meeting future transportation needs, the time has come for Orange County to seriously consider alternatives to adding more lanes of traffic and destroying more neighborhoods. The SR-74 widening project is the proper place to start. The nature of San Juan should not be destroyed when an alternative may exist.

Save Qur San Juan (SOS) is a 501 (c) (3) charitable organization fully recognized by the Internal Revenue Service and the State of California. All donations are fully deductible. SOS was formed in April, 1991. Our mission is to protect and promote the quality of life of all Orange County this and the unique beauty controlled.

CERTIFIED COPY

RESOLUTION NO. 06-03-27-01

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, OPPOSING THE ORANGE COUNTY TRANSPORTATION AUTHORITY'S, LONG RANGE TRANSPORTATION PLAN FOR THE EXTENSION OF ROUTE 73 TO THE FUTURE ROUTE 241

WHEREAS, The Orange County Transportation Authority has prepared the 2006 Long Range Transportation Plan and Draft Program Environmental Report; and

WHEREAS, said 2006 Long Range Transportation Plan and Draft Program Environmental Report identifies in the unconstrained alternatives the possible extension of the 73 Toll Road to connect to the future extension of the 241 Toll Road; and

WHEREAS, the City Council of the City of San Juan Capistrano held an adjourned regular meeting concerning the issue on March 27, 2006; and

WHEREAS, at said meeting the City Council did hear input from staff of the Orange County Transportation Authority, City staff, and from the citizens of San Juan Capistrano in accordance with the public record attached as Exhibit A hereto; and

WHEREAS, said public testimony was overwhelming in opposition to the consideration of any extension of the 73 Toll Road to the proposed future 241 Toll Road as part of the 2006 Long Range Transportation Plan and Draft Program Environmental Report; and

WHEREAS, The City Council of the City of San Juan Capistrano considered all input provided and as a result took action, as provided below, in opposition to Orange County Transportation Authority's 2006 Long Range Transportation Plan and Draft Program Environmental Report; and

WHEREAS, The City Council of the City of San Juan Capistrano believes that the impacts to the quality of life in San Juan Capistrano would be negatively impacted by said extension of the 73 Toll Road to the future 241 Toll Road extension; and

WHEREAS, The City Council of the City of San Juan Capistrano further requests the Extension of the 73 Toll Road to the future extension of the 241 Toll Road be removed from the document and from any further consideration; and

WHEREAS, The City Council of the City of San Juan Capistrano does not support any other alternatives that would include consideration of extending the 73 Toll Road to connect with the future 241 Toll Road; and

Page 1 of 3

Resolution No. 06-03-27-01

WHEREAS, We the City Council of the City of San Juan Capistrano, with respect to the Orange County Transportation Authority's 2006 Long Range Transportation Plan, Draft Program Environmental Impact Report clearly and specifically state that extension of the 73 Toll Road to the 241 toll Road is specifically and categorically rejected.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Capistrano hereby:

- Oppose the inclusion of the 73 Toll Road extension to the future extension of the 241 Toll Road in the 2006 Long Range Transportation Plan and Draft Program Environmental Impact Report prepared by the Orange County transportation Authority; and
- 2. Request that the 73 Toll Road extension be removed from the Draft Program Environmental Impact Report and from any further or future consideration; and
- 3. Request that this Resolution, including the Public Comments received by the City of San Juan Capistrano California on March 27, 2006, as summarized in Exhibit A to this Resolution, be incorporated into the Public Comments received in response to the Draft Environmental Impact Report.

PASSED, APPROVED, AND ADOPTED this 27th day of March 2006.

DAVID SWERDLIN, MAYOR

ATTEST

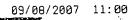
ARGARET R. MONAHAN, CITY CLERK

Resolution No. 06-03-27-01

Page 2 of 3









I, MARGARET R. MONAHAN, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing Resolution No. 06-03-27-01 was duly adopted by the City Council of the City of San Juan Capistrano at a Regular meeting thereof, held the 27th day of March 2006, by the following vote:

AYES:

COUNCIL MEMBERS: Hart, Bathgate, Soto, Allevato, and Mayor Swerdlin

NOES:

COUNCIL MEMBER:

None

ABSENT: COUNCIL MEMBER:

None

MARGARET R. MONAHAIN, City Clerk

Page 3 of 3

Resolution No. 06-03-27-01

ECHIAT -C /890 10715

09/08/2007 11:00



32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 (949) 493-1171 (949) 493-1053 FAX www.sanjuancapistrano.org



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO THOMAS W. HRIBAR MARK NIELSEN JOE SOTO DR. LONORES USO

April 5, 2007

NOTIFICATION OF ACTION BY THE CITY COUNCIL OF SAN JUAN CAPISTRANO

On April 3, 2007, the City Council of San Juan Capistrano met regarding: "Consideration of Resolution Denying Amendments to Comprehensive Development Plan (CDP) 90-02 and Architecture Control (AC) 03-09 for a Sign Program for the Mammoth Professional Buildings. The applications include: (1) an Amendment to the Comprehensive Development Plan to Allow Sign Programs for Projects in the CDP Area; (2) a Sign Program for the Project; and (3) two Free-Standing Monument Signs. The Project site is on the east side of Rancho Viejo Road between Via Escolar and Spotted Bull Lane (APN 650-011-32) (Mammoth Equities)(Continued from March 20, 2007)" Item No. G3b.



The following action was taken at the meeting: Resolution No. 07-04-03-02 adopted reversing the Planning Commsission action and denying: 1) an amendment to the Comprehensive Development Plan to allow sign programs for projects in the CDP area; 2) a sign program for Mammoth Professional Buildings; 3) two free-standing monument signs for the entrance to Mammoth Professional Buildings, revised as follows: Section 1-8. revised to read "...proposed sign program allowed excessive sign advertising such that it was incompatible with the surrounding area, was excessive in size and scope, and it would have an adverse impact..."

If you have any questions regarding this action, please contact Steven Apple, AICP, Planning Director at 949-443-6323 for more detailed information.

Thank you,

Meg Mohahan, MMC

City Clerk

Cc:



Robert King*; Mammoth Equities*; Phillip Schwartze*; Steven Apple, AICP, Planning Director

EXHIAIT- 0 page 1/715 San Juan Capistrano: Preserving the Past to Enhance the Future 10

P. 02

7:59

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA UPHOLDING THE APPEAL AND REVERSING APPROVAL OF A SIGN PERMIT FOR SIGNS FOR THE MAMMOTH PROFESSIONAL BUILDINGS ON RANCHO VIEJO ROAD (APN 650-011-32)(MAMMOTH EQUITIES)

WHEREAS, an application for building-mounted signs was approved by the City of San Juan Capistrano staff on February 8, 2007 for the Mammoth Professional Buildings located at 29222 Rancho Viejo Road, San Juan Capistrano CA. 92675; and

WHEREAS, a letter, dated March 8, 2007, was submitted on behalf of Robert King and other parties appealing the Interim Planning Director's approval of the sign permit; and

WHEREAS, on May 1, 2007, the City Council reviewed the appeal of the February 8, 2007 sign permit approval and received testimony from the public and reviewed information submitted by City staff; and

WHEREAS, the City Council has carefully considered the arguments of a number of residents in opposition to the Developer's sign application as well as those of the developer,

NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

- 1. The appeal is hereby upheld based upon the findings set forth herein.
- 2. Findings.
 - a. The number, nature, inappropriate lighting, and quality of the signs do not promote the major goal of the City's Community Design Element of the General Plan (Exhibit A) of promotion of the City's historical character as a small village with a rural atmosphere in that six wall mounted signs project a sharp green lettering color which convey the image of a major commercial office at the location of a major entry point along the I-5 freeway corridor leading into the City. The Council finds that the developer's project site is located in a prominent entry point to the community and as such merits very careful consideration of aesthetic impacts arising from excessive or color obtrusive signing.
 - b. The composition, inappropriate lighting, and color of the signs fail to comport with the purpose of Municipal Code section 9-3.543(a), which emphasizes that municipal code sign regulations are to achieve compatibility between erected signs and neighborhood surroundings. These signs fail to achieve this policy objective in that the sharp green lettering and number of signs adversely visually impact the adjoining Spotted Bull residential neighborhood which itself has a rural residential character.

Page 1 of 2

08/21/2007

10



c. Council finds that staff exercised discretion in determining that the sign application did not merit Planning Commission review. Council believes the application should have been forwarded to the Planning Commission for determination. Accordingly, the Council directs that further sign applications for this project be forwarded to the Planning Commission for review and determination.

PASSED, APPROVED AND ADOPTED this 21 day of August, 2007

SAM ALLEVATO, MAYOR

ATTEST:

MARGARET H MONAHAN CITY CLERK

0000000000

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN JUAN CAPISTRANO)

I. MARGARET R. MONAHAN, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing Resolution No. 07-08-21-04 was duly adopted by the City Council of the City of San Juan Capistrano at a Regular meeting thereof, held the 21st day of August 2007, by the following vote:

AYES:

COUNCIL MEMBERS:

Nielsen, Uso, and Mayor Allevato

NOES:

COUNCIL MEMBER:

COUNCIL MEMBER:

Hribar

ABSTAINING

Soto

MARGARETTE MONAHAN, City Clerk

08/21/2007

Sandikin felisto keep city character

Officials oppose a 6 postal facility planned for a site on the northern edge of town

THE ORANGE COUNTY REGISTE

SAN JUAN CAPISTRANO - The green woldspand colling wills south of Rancha Cupistrano msy not seem like the most likely location fall sillewdown On Wonday norning, how

ever, it sparked the beginning

of a battle between prominants

adding and divide as in specioeed

stal Eruce plus apperceed

mine acre mail sorting facility
that many fear, would desiroy the city's porther last way.

In a cuty seed brown for its ? hoks to the past - induding the mission and the historic Los Rios district, one of the oldest. neighborhoods in California the postal service project is among several correct proposals opposed by residents and elected officials.

Locally the city is sting Laguna Niguel over a ridgeline project that would shave 420,000 acres of mountain top to fit four single-family homes in the Bear Brand Ranch community. San Juan residents fear the proposal will destroy a natural hillside.

On the state level, the city has hired environmental attor neys to scrutinize California plan to widen Ortega Highway from two to four lanes from Calle Entradero to Antonio irkway. Transportation offials say the widehing is needed for safety concerns and to handle more traffic, but many residents oppose the plan claiming it would turn a soenic road into a major thorough

5-7

While the San Juan City Countil has not taken an offi cial position on the postal ser vice; facility residents and elected leaders say that don't

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FROM PAGE I

This is one issue the city has come nut totally against," Mayor Sam Allevato said.

Fast projecte have been met with similar popposition by community members hoping to retain the small-time chared to the community.

The construction of A dome Depot was tremed in 2003 after years of supposition it off hear-by residents. Voters light year defeated a plan to ra designate 10 5. seres on San Jush Greek to make way for housing by a

Other projects, mejuding the Costo on Doheny Park Road, the Whispering Halls Devalopment and San Juan Hills High School at he Peta and a series of Festationis on Del Onispe known as Tast Food Row went loi ward despite community carposition.

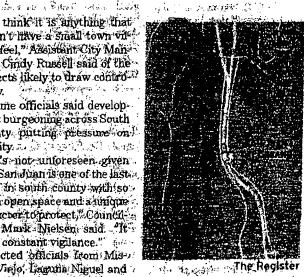
"I think it is anything that doesn't have a small town vil lage feel," Assistant City Manager Cindy Russell said of the projects likely to draw contro The could be represented that the conversv.

Some officials said development burgeoning across South County putting pressure on the city

"It's not unforeseen given that San Juan is one of the last cities in south county with so much open space and a unique character to protect," Councilman Mark Nielsen said. "It's takes constant vigilance."

Elected officials from Mission Vielo, Laguria Niguel and Dana Point raised their own concerns about the proposed postal facility Monday, questtioning its traffic impacts on Avery Farkway and I-5. Meanwhile, city residents have being the ernation of an online pected in November survey opposing the projector.

The question still facing San Juan leaders is what, if anything, can they do to stop the



postal facility. Public comment on the pism will be taken until Aug. 25, with a decision on whether to build the facility in San Juan + or on plot of postal gun their own efforts, include service land in Aliso Viejo - ex-

> water William CONTACT THE WAITERS 949-454-7329 or semery portegister com

EXHIBIT-F PATO 187 15

8/21/2007





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FOR IMMEDIATE RELEASE August 20, 2007

Contact: Richard Maher

richard.j.maher@ USDS. OL...... Release No. 07-32

USPS determines San Juan Capistrano land not suitable for mail facility

Cost of rail crossing and potential delays end consideration

Santa Ana CA — The U.S. Postal Service has determined that 75 acres of land in San Juan Capistrano does not meet the requirements of its plan for a new mail processing facility.

A study on the land's suitability revealed that an overpass bridge would have to be built over existing rail lines on the property that would add significantly to the total cost of the project.

The timelines for processing and obtaining rail crossing and construction permits through the California Public Utilities Commission (CPUC) and each of the rall operators would negatively impact the project. The CPUC has oversight over rail operations and crossing permits.

The Postal Service was under contract with Crystal Cathedral Ministries, the owner of the San Juan Capistrano property, and had until September 7, 2007, to investigate the site and determine if it was suitable for its intended use. USPS formally notified Crystal Cathedral Ministries that it was withdrawing its interest in a letter dated August 16.

The Postal Service already owns 26 acres of land in Aliso Viejo that is suitable for this state-of-the-art mail processing facility to serve South Orange County. The San Juan Capistrano property was being considered as an alternate location.

An independent federal agency, the U.S. Postal Service Is the only delivery service that visits every address in the nation, 146 million homes and businesses, six days a week. It has 37,000 retail locations and relies on the sale of postage, products and services to pay for operating expenses, not tax dollars. The Postal Service has annual revenues of \$73 billion and delivers nearly half the world's mail.





VIA FAX; A TOTAL OF 2 PAGES <u>INCLUDING</u> THIS COVER SHEET.



TO: ATTENTION: MS. IFFAT QAMAR

Mr. Smita Deshpande, Environmental Branch Chief Environmental Planning CALTRANS 3337 Michelson Drive Suite 380 Irvine, CA 92612-0661

FROM: (Bob King (Phone: 949-364-6818) (fax 949-364-6818)

DATE: September 8, 2007

RE: Project Initial sturdy (IS) and proposed mitigated negative

declaration (MND) for CALTRANS' Ortega Highway Widening

Project ("project")

Please deliver the fax to him/her immediately.

IF YOU RECEIVED THIS FAX BY MISTAKE, PLEASE DO NOT READ IT.

PLEASE IMMEDIATELY FAX IT BACK TO 949-364-6818, AND DESTROY THE COPY YOU RECEIVED. THANKS.



MESSAGE

Please replace page 3 of our previous fax. It had a confusing typo on it. The old page 3 may be discarded.

We are sorry for creating the extra effort. Thanks for your cooperation.



Save Qur San Juan (SOS) is a 501 (c) (3) charitable organization fully recognized by the Internal Revenue Service and the State of California. All donations are fully deductible. SOS was formed in April, 1991. Our mission is to protect and promote the quality of life of all Orange County citizens and the unique beauty and character of San Juan Capistrano.

E-MAIL: Sosbobking@aol.com

CALTRANS/Ms. Qamar/Mr. Deshande SR-74 Widening

September 8, 2007

Page 3 of 15



A"] in Exhibit A and Save Our San Juan's (SOS) Alternative Plan-B for The 2007 CALTRANS' Ortega Widening Plan ("SOS's Plan-A") in Exhibit B.

These plans are conceptual in nature. They are, however, serious possibilities that deserve serious evaluation before CALTRANS declares that the only way to address the transportation needs of South Orange County is just adding as many lanes of vehicle traffic as can possible be squeezed in, even if doing so destroys the nature of the San Juan community and individual residential and equestrian neighborhoods. Indeed, not only are SOS's Plan-A and Plan-B deserving of serious analysis and consideration by CALTRANS, CEQA statutorily requires CALTRANS to perform such serious analysis and consideration. In our judgment, that can only be professionally and competently accomplished through an EIR process with maximum community participation.

Some may proclaim SOS's Plan-A and or Plan-B is impractical. Both SOS's Plan-A and Plan-B are more practical than Mission Viejo's plan to extend SR-74 across I-5. Additionally, SOS's Plan-A and Plan-B are significantly more environmentally preferred per CEQA standards. SOS led the fight against the Mission Viejo Plan. The San Juan Capistrano City Council unanimously agreed with that position; see Exhibit-C.



The City of San Juan Capistrano has a long history of actively protecting and preserving the non-commercial, historical, and rustic nature of the entrances to the City. The City has gone to considerable expense and effort over a long period of time to preserve the knoll at the northern entrance to the City with the stated purpose of maintaining a barrier between San Juan Capistrano's rustic, historical nature and the commercialism of Mission Viejo. In the last year the City Council has continued the effort to protect the northern entrance to the City by actively opposing the Mammoth Equities Properties efforts to adversely affect the northern entrance to San Juan; please see Exhibits-D, E, and F. CALTRANS ignored these facts in their truncated environmental analysis by opting to do a MND as oppose to doing an EIR. CALTRANS should admit their mistake and declare they will do a full EIR with maximum community participation.

3. In addition to number 1 and 2, above, the subject IS and MND are fatally flawed in that the analysis of the affects on other regions and on existing or pending projects was grossly inadequate.

The most significant error in this regard was CALTRANS not coordinating with the governmental agencies to generate a **REGIONAL CONPREHENSIVE PLAN**. That would include the cities of San Juan, San Clemente, Mission Viejo, and Laguna Niguel; the Orange County Transit Authority (OCTA); Metro Link; The Transportation CORRIDORIA AGENCY (TCA); the OCTA's South Orange County Stakeholder Working Group, and other appropriate joint municipalities agencies.



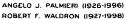
CALTRANS could be the one governmental agency that has the influence with the different municipalities and other governmental agencies to affect a **REGIONAL** traffic compromise. Indeed, the widening of SR-74 to any degree will have an

LAW OFFICES

PALMIERI, TYLER, WIENER, WILHELM & WALDRON LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2603 MAIN STREET



ALAN H. WIENERS ROBERT C. IHRKE" JAMES E. WILHELM® DENNIS G. TYLER MICHAEL J. GREENE® DENNIS W. GHAN® DAVID D. PARR® CHARLES H. KANTER* PATRICK A. HENNESSEY DON FISHER GREGORY N. WEILER WARREN A. WILLIAMS JOHN R. LISTER CYNTHIA M, WOLCOTT GARY C. WEISBERG MICHAEL H. LEIFER SCOTT R CARPENTER RICHARD A. SALUS NORMAN J, RODICH RONALD M. COLE MICHAEL L. D'ANGELO

STEPHEN A. SCHECK

DONNA S. WOLF HEATHER C. WHITMORE ELISE L. ENOMOTO ELIZABETH VALADEZ MELISA R. PEREZ ANISH J. BANKER RENETTA ASCHER CAYA MICHAEL I. KEHOE ROBERT H. GARRETSON JASON E. BURNETT RYAN M. PRAGER JOSEPH W. HANEY III JAMIE LEE JULIA A. GOWIN CHADWICK C. BUNCH ANNIE C. CHU AMBERLYNN K. DEATON JERAD BELTZ HEATHER H. WHITEHEAD FRIN BALSARA BRETT L. HORVATH

EAST TOWER - SUITE 1300 IRVINE, CALIFORNIA 9264-4281 (949) 851-9400 www.ptwww.com

August 3, 2007

P.O. BOX 19712 IRVINE, CA 92623-9712

WRITER'S DIRECT
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gweiler@ptwww.com

FACSIMILE (949) 851-1554 (949) 851-3844 (949) 757-1225

33868-000

"A PROFESSIONAL COMPORATION

CALTRANS
Environmental Planning
Smita Deshpande
Environmental Branch Chief

Athy: Itiat Qarnar 3337 Michelson Drive

Suite 330

livine, California 92612-0661

Ortega Highway Widening Project - State Route 74 (SR-74)

Dear Sir or Madam:

Re:

This office represents Romad Investments, L.P., the owners of 28341 Ortega Highway, San Juan Capistrano, California. The proposed project directly impacts our client's property, may involve the takings of all or a portion of our client's property and will materially and adversely impact access to the property and its historic retail and residential use.

This letter is intended to request the full environmental impact report be prepared for the project and to advise Caltrans that the project will necessarily cause our client damages/severance damages associated with its adverse effect on access, parking and visibility.

ENTRY CONTRACT OF STREET

gun e Mga, labor 1997a. Lugar garangan



CALTRANS August 3, 2007 Page 2

Please copy the undersigned on the official notice list for future hearings and actions on the project.

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Very truly yours,

Dregory Weiler Merger Street Weiler

GNW:mp

cc: Romad Investments, L.P.

City of San Juan Capistrano



5-9

August 27, 2007

Caltrans 3347 Michelson Dr., Ste. 100 Irvine, CA 92612-0611

Ref: Widening of Ortega Highway

solution to widening the highway.

Dear Gentlemen,

I am a local businessman and the President of the Chamber of Commerce. In this letter I am speaking simply as a local businessman. I have reviewed your published study for the widening of the Ortega Highway. Within the study I did not notice the inclusion of the economic impact to the City. As a local businessman I am a supporter to the widening of the highway because of perceived economic issues and I would have appreciated your comments on that issue. However, I can only believe that local consumers and tourists visiting our community will be turned away if traffic within our city becomes too difficult. It seems to me that managing traffic is much better that trying to impede it.

I have attached my letters to the City of San Juan Capistrano and Supervisor Patricia Bates encouraging them to work with Caltrans in a constructive way to achieve the best possible

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Respectfully

Charles S. Varga

President

August 27, 2007

Patricia Bates Orange County Supervisor 333 W. Santa Ana Blvd. Santa Ana, CA 92701

Ref: Widening of Ortega Highway

Dear Supervisor Bates,

I read your article in the Independent News dated 24th regarding the widening of the Ortega Highway. I appreciate that this is a difficult issue for you. Even the San Juan Capistrano Chamber of Commerce board is divided over this issue. I also know that in any major issue some people are asked to make a sacrifice for the greater good. Sacrifice is always difficult. However, if the Ortega Highway is not widened as proposed, the entire City of San Juan Capistrano will suffer economically. For this and many other reasons, including the eventual cost of the widening, when it does happen, I am strongly in support of the widening.

Attached is my letter to the San Juan Capistrano City Council dated August 8th. I am also trying to sway the Chamber Board of Directors to issue a letter in support of the widening.

I appreciate your interest in this matter.

Respectfully

Charles S. Varga President 3



August 8, 2007

Mayor Allevato and City Council City of San Juan Capistrano 32400 Paseo Adelanto San Juan Capistrano, CA 92675

Ref: Widening of Ortega Highway

Dear Mayor Allevato and City Council

As a local businessman in the community I have the privilege of driving the Ortega Highway every day. I experience the traffic problems caused by the narrowing of the highway from four lanes to two lanes. I am also aware of some of the concerns expressed by the local residents regarding the widening of the highway and do have some empathy for that position. However, I do believe the City Council should look at the big picture the "greater good" for the community at large.

The following was pointed out by a member of our City Council posted to the City's website 7/19/07:

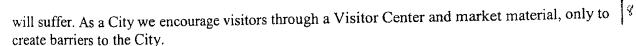
"We do know several things for certain regarding this project. This is a state highway and Caltrans retains full jurisdiction over it. The traffic on Ortega is bad now and will be degrading in level of service as time goes on. We have a new high school opening in the fall. Parents and students will be traveling through this "chokepoint" at morning rush hour. The Orange County Fire Authority has already expressed concern for the safety of their firefighters and the public regarding emergency response through this section. The county of Orange will be commencing construction of the project beginning at La Pata and ending at our city limits. The funds are present for the project to be completed in our city. If the county does their part of this project and not ours, the cost will only increase, and when the section in the city is finally worked on, the public will be inconvenienced a second time with construction, detours, closures, torn-up roads, etc. If all of the impacts of this project have been identified properly and the mitigation measures are in place, what will we sue for? Let's allow our legal counsel to do their job."

The above clearly highlights the concerns of not widening the Ortega Highway. Another major concern for the City should be of possible lawsuits against the City for not widening the highway when emergency vehicles can not pass. Another important issue is tourism. Many of our local businesses, including the Mission, rely on tourism as a major source of their revenue. If getting to San Juan Capistrano becomes a major ordeal, tourists will stop coming and our local economy

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The list for widening the highway is far greater than not doing it. From, safety, to traffic relief, to pollution, to economics, to City image and more, the widening becomes a necessity. For those that wish not to widen the highway because they are against change, I to like the feel and atmosphere of a small town, But, like death and taxes, change is inevitable. We must look at what is best for the City as a whole.

If we believe by doing nothing to relieve traffic congestion it will go away, we are like the Ostrich putting its head in the sand. Studies suggest that 24,000 cars per day traveled the highway in 2005. Whether we agree with Caltran's studies regarding the increase does not matter because we already know the traffic has increased and will continue to increase.

If this change is inevitable, the City can do things to reduce its impact to those it will affect the most, such as maintaining a reduced speed of under 45 MPH and putting in traffic signals at selected intersections. By being constructive we are more likely to receive help from Caltrans regarding the citizens' concerns.

In conclusion, I support the widening of the Ortega Highway. In the August 3, 2007 Capistrano Dispatch, Councilman Mark Nielsen talked about building consensus on important issues. This is that time and that issue. I believe the City would be better served by facing the issue and to be part of the solution. I also believe we will get more from Caltrans by being a partner than by being an adversary. By delaying the inevitable it will only be more costly in the end.

Respectfully submitted

Charles S. Varga President Table C-6 Long-Range Roadway Improvements

Long	-Range Roadway Improvements
Location	Improvements
I. Roadways Alipaz Road Del Avion northerly	Widen existing two-lane section to four lanes
Camino Capistrano San Juan Creek Road to Car Wash Oso Road to Junipero Serra Road Junipero Serra northerly	Widen to four lanes Widen to four lanes Widen to four lanes
Del Obispo Street Aguacante Road to Calle Aspero Afipaz to Paseo Adelanto	Widen to four lanes Widen bridge
Junipero Serra Road Camino Capistrano to Rancho Viejo Road	Widen to four lanes
La Novia Avenue Calle Arroyo to San Juan Creek Glen Fed to Valle Road At San Juan Creek	Widen to four lanes Widen to four lanes Widen bridge
O Hard Introduced to east City I thinks	Wilden to load lames
Oso Parkway Alipaz to Camino Capistrano	Widen to four lanes
Rapcho Viejo Road Junipero Serra to s/s Fluidmaster	Widen to four lanes
San Juan Creek Road 1-5 Freeway to La Novia	Widen to four lanes
Camino Los Padres	Extend to Camino Capistrano
II. Intersections 1. Camino Capistrano & Junipero Serra	2nd ART 2nd SRT 2nd WBL Right turn overlap for NBR
4. Camino Capistrano & Del Obispo	Restripe WB movements to 2 WBL, single WBT and shared WBT/WBR
6. Camino Capistrano & I-5 SB Ramps	Change WB lane deployment to WBL, shared WBL/WBR and single WBR
9. Camino Capistrano & Stonehill	2nd NBT Change SB lane deployment to 1 SBL, 1 SBT, shred SBT/SBR and single SBR
14: Alipaz & Del Obispo	Separate SBR
19. I-5 SB Ramps & Junipero Serra Road	3rd lane on SB off-ramp EB defacto right turn
20. I-5 BN Ramps & Junipero Serra Road	2nd NBL EBL Restripe WB movements to WBT, shared WBT/WBR and single WBR
23. Rancho Viejo & Junipero Serra Road	2 rd NRL Add shared SRT/SBR Change tree SB right to separate SBR
24. Rancho Viejo & Oretega Hwy	Separate EBR
27. La Novia & San Juan Creek Road	Separate SBR WB defacto right turn
28. Valle & San Juan Creek Road	Separate NBI Separate NBI
III. Special Study Areas 1-5 Oretega Highway interchange	Interchange reconstruction
Del Obispo Street Alipaz to Camino Capistrano	Roadway improvements including bridge widening
Source: Austin-Foust Associates, September 1999.	

Source: Austin-Foust Associates, September 1999.





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COMMITTED MATERTEAN OF ARTERIAL HIGHWAYSREGIONAL TRANSPORTATION PLAN FACILITIES AND IMPROVEMENTS

mav ₂				
	Racinty	Jurisdiction	Improvement	Source
CPLCTO THE	Alipaz St (north of Cm Del Avion)	San Juan Capistrano	Widen to four lanes	×
-	Antonio Pkwy (Oso Pkwy to southern boundary of Ladera Ranch)	County	Widen to six lanes	1-
tyonnumana	Avd La Pata (Avd Pico to Avd Vista Hermosa)	San Clemente	Construct as a six-lane major arterial	2
******	Avd Talega (east of Avd Vista Hermosa)	San Clemente	Extend as a four-lane secondary arterial	ω
,	Avd Vista Hermosa (Cm Vera Cruz to north of Avd La Pata)	San Clemente	Construct as a four-lane primary arterial	2
-	Avd Vista Hermosa (Calle Frontera to 1-5)	Caltrans/San Clemento	Construct as a four-lane primary arterial with an interchange at I-5	4
	Cm Capistrano (south of Oso Rd to San Juan Capistrano city limits)	San Juan Capistrano	Widen to four lanes	∞
	Cm Capistrano (south of San Juan Creek Rd)	San Juan Capistrano	Widen to four lanes	8
	Cm Vera Cruz (west of Avd Vista Hermosa)	San Clemente	Construct as a four-lane secondary arterial	2
	Crown Valley Pkwy (1-5 to east of Trabuco Creek bridge)	County/Mission Viejo	Widen to eight lanes	5
a presente	Del Obispo St (Aguacate Rd to Paseo De La Paz)	San Juan Capistrano	Widen to four lanes	8
npenouse:	1-5 (Oso Pkwy to Crown Valley Pkwy)	Caltrans	Construct northbound auxiliary lane	6
-	Junipero Serra Rd (Cm Capistrano to Rancho Viejo Rd)	San Juan Capistrano	Widen to four lanes	80
V	Ortega Hwy	San Juan Capistrano	Widen to four lanes	7,8
سسب	Ortega Hwy (San Juan Capistrano city limits to Antonio Pkwy)	County	Widen to four lanes	6,7
r-second	Rancho Viejo Rd (south of Junipero Serra Rd)	San Juan Capistrano	Widen to four lanes	∞



Section 5.0

COMMITTED MASTER PLAN OF ARTERIAL HIGHWAYS/REGIONAL TRANSPORTATION PLAN FACILITIES AND IMPROVEMENTS **TABLE 5.1-3**

171,00			
א מכוונר)	Jurisdiction	Improvement	Source
			30.000
SR-73 (north of I-5)	TCA/Caltrans	Widen to provide four general purpose lanes in each direction and one high occupancy vehicle (HOV) lane in each	6
		direction	
SR-241 (Oso Pkwy to Santa Margarita Pkwy)	TCA/Caltrans	Widen to provide three general purpose lanes in each direction and one HOV lane in	6
		each direction	`
SR-241 (north of Santa Margarita Pkwv)		Widen to provide four general purpose	
	L.C.A.C.altrans	lanes in each direction and one HOV lane in	6
THE RESERVE OF THE PROPERTY OF		each direction	, .

1 - Conditioned for implementation with development of Ladera Ranch. Sources:

2- Implemented through the City of San Clemente Regional Circulation Financing and Phasing Program (RCFPP), 5 - Conditioned for implementation with development of Talega.

4 - Improvement under construction by Caltrans and the City of San Clemente. 5 - Conditioned for implementation with development of Las Flores.

6 - Caltrans improvement.

'- County of Orange improvement project.

8 - Implemented through the City of San Juan Capistrano Reimbursement Agreement and Nexus Fee Program.

9 - Transportation Corridor Agencies (TCA) Capital Improvement Plan (CIP).

Source: Austin-Foust Associates (2002).

Via ColdoJA

MEDIA RELEASE

City of San Juan Capistrano • 32400 Paseo Adelanto • San Juan Capistrano, CA 92675 949-493-1171 • Fax: 949-493-1053

For Immediate Release

Date: May ???, 2004 Contact: William Huber

Phone:

Mis was Via Cordora NOT calle entradeir

Ortega Interchange gets \$20 million boost

The city of San Juan Capistrano would receive \$20 million toward its \$20-35 million Ortega Interchange project, under a plan the Orange County Board of Supervisors will consider later this month.

The money would save the city and state millions and will radically reduce the 7- to 10- year timeframe for improvements on the busy interchange.

The funding comes from the city's push to capture a lion's share of increased transportation revenue from a strong real estate market and improved property values in new development to the east of the city.

Improvement bonds would be issued through a joint agreement with the county of Orange, California Department of Transportation (Caltrans) and Ladera Ranch, LLC. The city has been working with Supervisor Tom Wilson's office on the agreement. Wilson has been a champion in support for the money.

If the Board signs off, the city could receive the money by summer. The state would receive \$5 million toward the widening of Ortega Highway from Avenue.

For San Juan Capistrano, the bond money is significant, as there is currently no money earmarked for construction of the 7 - to 10-year Ortega Interchange project.

"The new funds are a significant boost in moving the project from wishful thinking to reality," said San Juan Capistrano Assistant City Manager William Huber.

In 2002, San Juan Capistrano adopted a strategic transportation plan to help divert traffic out of town. Part of that plan included an aggressive campaign to seek funding that would help speed improvements to the Ortega Highway Interchange.

Design options for a rebuilt Ortega were approved by the City Council in March. Though there is no money earmarked for the project, the city has secured \$2.5 million in Measure M monies for the project's design and environmental work. The city is also seeking \$7.4 million in federal grants.

The interchange is a key point in the city's traffic circulation.

400 PASEO ADELANTO
JUAN CAPISTRANO, CA 92675
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(949) 493-1053 FAX
www.sanjuancapistrano.org



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO.
DIANE L. BATHGATE
WYATT HART
JOE SOTO
DAVID M. SWERDLIN

August 24, 2004

Office of the Mayor

The Honorable Patricia Bates Assembly Member, 73rd District 30012 Ivy Glenn Drive, Suite 120 Laguna Niguel, CA 92677

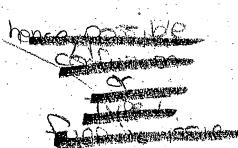
Subject: SR-74, Ortega Highway Widening Project

Dear Assembly Member Bates:

The City of San Juan Capistrano has been meeting with Caltrans staff representatives regarding the potential widening of State Route 74, Ortega Highway, through the easterly portion of our City. The project would widen Ortega Highway to four lanes from Antonio Parkway wester and the purpose of this letter is to solicit your support in halting the direction of this project as currently proposed by Caltrans.

While the City has supported the widening project subject to completion of the improvement of the Ortega/I-5 Interchange, we must object to the design as currently proposed. The proposed widening results in removal of the existing parkway landscaping and mature trees and will be replaced by asphalt, concrete curb and a sidewalk. Immediately behind the sidewalk on the south side will be a sixteen (16) foot high about 3,400 feet (See attached plans). On the north side, there are no proposed sound walls. Instead, there will be about 1,500 feet of retaining walls ranging in height from twelve to fifteen (12-15) feet. As proposed, the improvements will destroy this scenic rural roadway, which we view as a primary entry into our community. This is truly an unacceptable condition in a community that values its natural and scenic beauty.

Our City's General Plan designates Ortega Highway as a scemic corner of full scaltrans has indicated to the City that Ortega Highway is designated by the State for eligibility as a Scenic Highway. This particular stretch of Ortega will serve as a gateway entrance into the City from the proposed Rancho Mission Viejo Project on our eastern border. It seems that when a project has eligibility potential, aesthetic impacts should be given serious





The Honorable Patricia Bates August 24, 2004 Page Two

consideration. If the current unimaginative stark design is implemented, the impacts will be irreversible and the aesthetics on this beautiful stretch of road will be permanently destroyed. Caltrans has informed City staff that if we wish to do anything that exceeds the standard design all additional costs would be borne by the City, including obligations for long-term liability and maintenance.

Caltrans is presently marching down the road to prepare a Negative Declaration on the project. They plan to hold a public meeting on the project some time in late October or early November. We are informed that they intend to proceed even with the concerns raised by the City.

We are requesting several things. First, we would like to stop the process to give the City more time to meet with Caltrans and work out the aesthetic issues in a more satisfactory manner. Second, we would request Caltrans give more serious design consideration to the potential scenic route designation before it is lost forever. Third, since construction is far from being fully funded at this time, Caltrans work with the City, the County and the Rancho Mission Viejo Company to identify additional funding opportunities to accomplish our mutual objectives.

Your support and assistance in this matter is greatly appreciated. Please contact me if we can be of any assistance to you.

Sincerely

Joe Soto Mayor

Enclosures

cc: Supervisor Tom Wilson

Cindy Quon, Caltrans Director of District 12

Dave Adams, City Manager

William Huber, Assistant City Manager

ia Cor DOVA" per Ranch Plan DRAFT NCCP/MSAA/HCP JOINT PROGRAMMATIC EIR/EIS 3.4 TRANSPORTATION AND CIRCULATION

moster Plan artereal Hurp mPAH" 3.4 TRANSPORTATION AND CIRCULATION

The following sections discuss the traffic study area, existing circulation systems and traffic conditions, the traffic forecasting methodology, the performance criteria used in identifying impacts and evaluating alternatives, and the basic assumptions applied in the analysis.

3.4.1 Traffic Study Area

The proposed NCCP/MSAA/HCP program would not have direct traffic impacts. However, the implementation of certain of the Covered Activities would generate traffic and have indirect traffic impacts to the human environment. The County Covered Activities would not generate substantial additional traffic for the following reasons: (1) The Prima Deshecha Landfill GDP does not increase the maximum number of daily trips currently allowed to and from the Landfill, and (2) the Avenida La Pata Improvements would not generate trips in and of themselves and, in any event, the improvements have been incorporated into the traffic analysis circulation system. With regard to the SMWD Covered Activities, the proposed reservoirs are intended to serve planned development and would not independently generate significant traffic volumes, nor would the maintenance of existing facilities increase traffic above current levels. Because the RMV Covered Activities are the only activities with potentially significant traffic impacts under consideration in this NCCP/MSAA/HCP, the traffic study area focuses on the circulation system components that may be affected by implementation of the RMV Covered Activities. As such, the traffic baseline for the Joint EIR/EIS is the same as for the traffic analysis prepared for GPA/ZC FEIR 589 hereby incorporated by reference.

The traffic study area is depicted on Figure 214-M. The traffic study area includes all or portions of the cities of Dana Point, Laguna Niguel, Laguna Hills, Mission Viejo, Rancho Santa Margarita, San Juan Capistrano, and San Clemente. It also includes portions of unincorporated Orange County extending from Rancho Santa Margarita to San Clemente, including the communities of Las Flores, Ladera Ranch, Coto de Caza, and Talega, as well as the RMV lands. The following specific criteria were used in defining this traffic study area.

- For arterial roads, the traffic study area includes all facilities where peak hour intersection volume/capacity ratios would increase by one percent or more as a result of the project. This is the impact threshold designated in the Orange County General Plan Growth Management Element.
- For freeways, the traffic study area includes all facilities where peak hour volumes would increase by more than three percent as a result of the project. This is the impact threshold designated in the Orange County Congestion Management Program.

Chapter 3

THE STREET

w.ww.ocplanning.net/docs/

	TABLE 3.4-6		
Non-Committed Circulation System Improvements in the Traffic Study Area	m Improvements	in the Traffic Study Area	aarwa
Alipaz Street (north of Del Obispo Street to Oso Road)	San Juan Capistrano	Construct as four-lane secondary arterial.	MPAH
Antonio Parkway (south of Ladera Ranch to Ortega Highway/SR-74)	County	Widen to six lanes.	MPAH
La Pata Avenue (south of Ortega Highway/SR-74)	County	Widen to four lanes.	MPAH.
La Pata Avenue (south of Ortega Highway/SR-74 to San Clemente city limits)	County	Construct as a four-lane primary arterial.	MPAH
Avenida La Pata (San Clemente city limits to Avenida Vista Hermosa)	San Clemente	Construct as a six-lane major arterial.	MPAH
Camino Capistrano (south of San Juan Creek Road)	San Juan Capistrano	Widen to four lanes,	МРАН
Camino Capistrano (Junipero Serra Road to San Juan Capistrano city limits)	San Juan Capistrano	Widen to four lanes.	MPAH
Camino De Los Mares (east of Camino Del Rio to Camino Las Ramblas)	San Clemente	Construct as four-lane secondary arterial.	MPAH
Camino Del Rancho (1-5 to Avenida Pico)	San Clemente	Construct as a four-lane primary arterial.	MPAH
Camino Del Rio (current termination east to Avenida La Pata)	San Clemente	Construct as four-lane secondary arterial.	MPAH
Camino Las Ramblas (current termination east to Avenida La Pata)	San Juan Capistrano/	Construct as four-lane secondary arterial.	MPAH
Camiro Los Padres (east of Street of the Golden Lantern to Camiro	Cap Just Capitrana	Consideration of the second se	
	Can cuari Capisii alio	constitut as lour-tane printary arterial.	MEAH
CLUWII Valley Farkway (Antonio Parkway to SR-241)	County	Construct as six-lane major arterial.	MPAH
Crown Valley Parkway (SR-241 to Oso Parkway)	County	Construct as four-lane primary arterial.	MPAH
1-5 (Oso Parkway to Crown Valley Parkway)	Caltrans	Add southbound auxiliary lane.	CT-RCR
I-5 (Pacific Coast Highway/SR-1 to Avenida Pico)	Caltrans	Add northbound and southbound high occupancy vehicle (HOV) lanes.	SCAG
Junipero Serra Road (Camino Capistrano to Rancho Viejo Road)	San Juan Capistrano	Widen to four lanes.	МРАН
La Novia Avenue (north of San Juan Creek Road)	San Juan Capistrano	Widen to four lanes.	MPAH
Olympiad Road (Alicia Parkway to La Paz Road)	Mission Viejo	Widen to four lanes.	МРАН
	Seo-luca Ceristalia		THE STATE OF THE S
Ortega Highway (San Juan Capistrano city limits to Orange County/Riverside County border)	County	Widen to four lanes.	МРАН
	August		=

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Chapter 3

based on the conceptual alignment and may change within a ten percent increase in impacts contingency factor for the final alignment:

- Cow Camp Road. This is an addition to the County of Orange Master Plan of Arterial Highways (MPAH) of a new east-west arterial highway on the north side of San Juan Creek. Cow Camp Road would be constructed as a major arterial between Antonio Parkway and SR-241, and as a primary arterial between SR-241 and Ortega Highway in a "with SOCTIIP" scenario. In a "without SOCTIIP" scenario, Cow Camp Road would be constructed as a major arterial between Antonio Parkway and "F" Street and as a primary arterial between "F" Street and Ortega Highway.
- Cristianitos Road. The existing Cristianitos Road between Avenida Pico and the development area in Trampas Canyon would remain a private ranch road. From the proposed PA 5 Trampas Canyon development area to the proposed development area in the Gobernadora sub-basin, a new north-south primary arterial highway would cross San Juan Creek and Cow Camp Road, and connect to the proposed SR-241, in a "with SOCTIIP" and Oso Parkway in a "without SOCTIIP" scenario.
- Avenida Talega. An MPAH reclassification of the segment of roadway in unincorporated Orange County from a secondary arterial highway to a collector road (with and without SOCTIIP alternatives).
- Avenda La Pata/Antonio Parkway. Existing Avenida La Pata/Antonio Parkway would
 be widened from the northerly limit of the RMV planning area, north of Ortega Highway,
 to the southerly limit of the RMV planning area boundary. Also, the road would also be
 extended further to the south beyond the RMV planning area to Avenida Pico outside of
 the Subarea 1.
- Ortega Highway (SR-74). Existing Ortega Highway would be widened from east of the intersection with Avenida La Pata to the westerly RMV planning area boundary. The typical section within this reach will consist of four through lanes, median with paved shoulders and landscaped area, and parkway in various widths on each side of the roadway to accommodate minimum area for a soft shoulder and surface drainage catchment. The roadway will transition to the existing two-lane section just east the Antonio / La Pata intersection. The San Juan Creek Bridge will be widened by constructing a new separate structure north of the existing structure to accommodate two westbound through lanes. Also, the widening would extend further west into the City of San Juan Capistrano. In total Ortega Highway will be oximately 1000 feet east of the Antonio / La Pata

NOT AT. IT ENTRADERO WAS THE AREA

IT WOULD STATE: FROM Calle ENTRAPERO

Appendix S – RMV Covered Activities



M. M. M. Jan 1 10 Carrest Contractions

SR-74 Widening

Insert Location Map Below:



Project Location:

In Orange County in the County of Orange and the City of San Juan Capistrano from Calle Entradero to Antonio/La Pata

Co/Rte/KP/PM:

ORA/074/1.7-4.7/1.0-2.9

Project Description:

Widen roadway from 2 to 4 lanes

of the lower median from Calle Entradero to 427 meters east of with a 3.6-meter wide striped Project Scope: On Route 74, widen a Pata Avenue. This project involves the widening

me 4

reeway/Expressway between SR-241

and I-15 in

Existing Funding:

IIP: \$2,019,000 RJP: \$0

Other: \$0

Future Funding Need: \$24,683,000

Total Estimated Cost: \$26,703,000

PA&ED 7/05 Project Schedule:

Begin Construction 12/07

PROJECT INFORMATION

Purpose & Need for the Project:

Project Need:

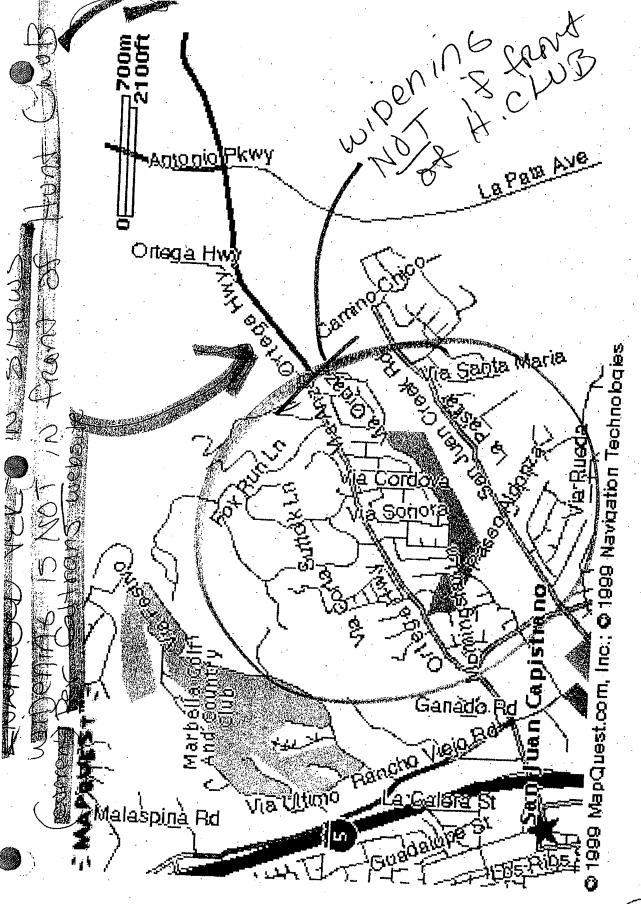
flow within the project limits. The purpose of this project is to improve the traffic

Project Purpose:

traffic is 6000 vehicles. Based on the traffic forcast, the year 2025 the roadway will operate at a level of server the roadway will opera average annual daily traffic (AADT), the peak hour Currently the existing traffic demand exceeds traffic capacity. The roadway operates at a level of service traffic forcast for the year 2025 is 65,000

RCR recommends adding one lane in each direction Concept Report (RCR) approved on February 11, 1986. For the segments from PM 0.5 to PM 4.6, the The proposed project is consistent with the Route

designated as a primary highway. Primary highways within the county. On the MPAH, Route 74 is lanes and right of way requirements for roadways (OCTA) has adopted a Master Plan of Arteria The Orange County Highways (MPAH) that specifies the number of Transportation y a median.



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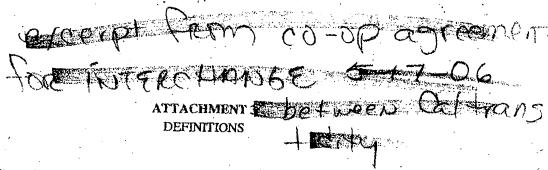
CTC STAFF RECOMMENDATION FROM COUNTY SHARE FOR 2006 STIP

Does Not Include STIP Interregional Share Funding (See Separate Listing) (\$1,000's)

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Page 51 of 111

4/7/2006



Ortega Highway forms the principal east-west route from the I-5 freeway to the eastern San Juan Capistrano. The intersection of the Ortega Highway with Del Obispo Street is considered to operate as if it is part of the Ortega Highway/ I-5 freeway interchange and is included in the Project Area. Ortega Highway is designated SR-74 from the I-5 freeway east to its termination in Riverside County.

The existing interchange is a compact diamond (Type L-1) interchange consisting of the Ortega Highway/I-5 separation (Bridge No. 55-0229), I-5, Ortega Highway, the associated on and off-ramps, a concrete-lined channel, and Del Obispo Street Ortega Highway.

Replaced in 1969, the Ortega Highway/I-5 separation is a two-span, cast-in-place, pre-stressed concrete box girder structure, supported on a bent and two abutments. Based on the Bridge Inspection Report (BIR) dated February 11,2002, the current condition of the over-crossing structure is "Functionally Obsolete" with a Sufficiency Rating of 75.5. The BIR also identifies settlement of sidewalk approaches, departure and approach asphalt concrete heave, and hairline cracks on the deck of the soffit of the structure. The existing structure does not meet seismic standards; thus, seismic retrofit of the existing structure would most likely be required. The segment of Ortega Highway east of the I-5 freeway northbound ramps was upgraded and widened to provide a dedicated right-turn lane along westbound Ortega Highway from Rancho Viejo Road to the northbound I-5 freeway on-ramp. This widening of Ortega Highway necessitated the construction of a driveway and a retaining wall to maintain access from Los Cerritios Avenue to the historic Mission San Juan Capistrano graveyard just north of the Ortega Highway.

Sidewalks, 1.5 m in width, are located in both directions on the bridge. A continuous sidewalk is provided along the south side of Ortega Highway, which give connectivity to pedestrians across the interchange. Sidewalks on the north side of Ortega Highway are provided only between Los Cerritos Avenue and the southbound I-5 off ramp intersection across the bridge; thus requiring pedestrians to cross Ortega Highway at both ramp intersections. No bicycle facilities or shoulders are currently provided along Ortega Highway both across the bridge and along the approaches to the over-crossing.

This Project proposes to improve the I-5/SR 74 interchange to alleviate both existing and future traffic congestion and delays within the interchange. Five principal Build Alternatives (Alternatives 1 through 5) have been identified for further consideration in the PSR(PDS), in addition to the No-Build Alternative. Alternatives 1 and 2 are proposed as short-term operational improvements to provide sufficient capacity to accommodate current deficiencies at the interchange, if construction is completed by 2010. Alternatives 3, 4 and 5 are proposed to provide additional capacity to accommodate projected year 2030 traffic growth.

K2

Neighborhood Traffic Safety San Juan Capistrano has placed importance on non-vehicular means of transportation. To increase the number of people using non-automobile means of transportation, there has to be an existing, safe transportation network in place. This network includes crosswalks, grade separations, and walkways which assure the safety of pedestrians, cyclists, and horseback riders.

Circulation Goal 4: Minimize the conflict between the automobile, commercial vehicles, pedestrians, horses, and bicycles.

Policy 4.1: Provide sufficient right-of-way widths along roadways to incorporate features that buffer pedestrians, horses, and bicycles from vehicular traffic.

Policy 4:2: Provide trailic management improvements within areas where through traffic creates public safety problems.

Policy 4.3: Install additional street improvements within areas where necessary to improve vehicular and non-vehicular safety.

Policy 4.4: Apply creative traffic management approaches to address congestion in areas with unique problems, such as schools, businesses with drive-through access, and other special situations.

Regional Transportation

Right of WAY which reludes Buffer zone is in City of S.J. Surisdiction

Transportation and traffic congestion in San Juan Capistrano is directly related to an overall transportation network for the region as surrounding city residents pass through San Juan Capistrano to access Interstate 5. Planning for the needs of the community necessarily includes recognition of the related transportation needs and planning efforts of the surrounding county, region, and state. With that recognition is the need for the City to actively work with other public agencies responsible for transportation and development in surrounding areas.

Circulation Goal 5: Achieve the development of regional transportation facilities.

Policy 5.1: Support the implementation of the Orange County Master Plan of Arterial Highways and the south Foothill Tollway Segment (Segment CP).

Policy 5.2: Work closely with adjacent jurisdictions and transportation agencies to ensure that development projects

CHAPTER 4. SUBDIVISION/IMPROVEMENT STANDARDS



Sec. 9-4.327. Streets, highways, and alleys.

- (a) Introduction. This section sets forth street, highway, and alley requirements to serve existing and new development in the City.
- (b) Paving. Pavement materials shall consist only of aggregate base with asphalt concrete and/or portland cement concrete, conforming to the requirements of the California Department of Transportation Standard Specifications (as last revised). The pavement thickness shall be designated by the City Engineer.
- (c) Engineering manual. The design speeds, curve radii, street grades, and related standards shall be as set forth in the City Standard Plans and Orange Design Standards as latest revised.
- (d) Public streets and dedications.
- (1) General requirements. All streets and highways intended for through traffic or providing access to public areas within a property to be developed shall be public streets and shall be constructed and dedicated to the City by the developer.
- (2) Offers of dedication. Real property within a development project to be used for future streets, highways, or alleys shall require an irrevocable offer of dedication.

Where the City requires an irrevocable offer of dedication, on-site improvements shall be constructed in such a manner as to not interfere with the future use of the right-of-way. Such on-site improvements shall also be constructed in such a manner as to conform to all the provisions of this Land Use Code and the General Plan in order to provide for future City acceptance of the offered dedication.

(3) Reimbursement agreements. Streets and highways which would provide access to areas to be developed in the future or whose closing would cause an undue disruption to the orderly development of the City shall be constructed and dedicated to the City by the developer. The developer may be required to construct improvements not required by the project or which are off-site of the property to be developed. A reimbursement agreement for such improvements may be provided by the City Conversely, a developer may be required to pay fees in reimbursement for improvements previously constructed.

If the City requires the construction and dedication of facilities prescribed in the General Plan, a reimbursement agreement may be executed.

(4) Parkway facilities. Parkway areas shall be provided adjacent to recovery to allow toom for the provision of utility line and statements of the provision of acilities shall be constructed in conjunction with the roadway proper in accordance with the requirements of this chapter (refer to Figures 4-5 through 4-7).

The additional parkway facilities shall insure reasonable bubble access to public riabural resources consistent with public salety

- (5) Access rights. The City may require the waiver of direct access rights to any street, highway, or alley which is to be dedicated to the City from property abutting thereon.
- (e) Private streets. Private streets, including driveways, may be permitted by the City for local access only. Such streets shall be built to the same construction standards as public streets of the same classification as such classifications are set forth in subsection (f) of this section. Landscaping adjacent to private street intersections shall be in compliance with Section 9.3-559 Visibility at Intersections/Driveways. Private streets shall not be maintained by the City. Where private streets are permitted, verification of the intention and ability to assume the maintenance thereof shall be provided to the City Engineer in the form of legal documents fixing such responsibility.



SUDEWALK AND PEEDED EXPLESTRIAN TRAIL

Figure 4-6
Equestrian Trail and Scenic
Highway Parkway Facilities

NOTES:

- 1. Total gight-of-way width shall be adjusted in accordance with the partway recilities required
- 2. The City Engineer shall provide standard drawings specifying materials and methods of construction.
- * Equestrian fence mandatory if boundary fence not present.

Mumored from outh fac

*ADA non conformance

(Hz)

Hillside Parkway Facilities Figure 4-7

(f) Required local access streets. The streets identified in subsection (1) and (2) of this subsection will be required for local access to abutting residential and nonresidential land uses. Standard sections for such streets are shown in Figure 4-8. Right-of-way widths for local streets may be reduced in conjunction with the development review if the City determines that such reduction will not result in greater project density or intensity. 9-4.327

alternative as app by City Engineer

Local streets, except driveways, may be public or private as determined by the City during the development review. Driveways shall be private in all cases.

EQUESTRIAN TRAIL. (operator or bods)

(1) Residential uses. Table 4-5 identifies the required streets for residential uses, as determined by the number of yelling units served by the street and the average lot size of the dwelling units.

(2) Non-residential uses. A way or local street shall be required if 2,500 ADT or less are to be generated by abutting uses and through traffic. If generation is greater than 2,500 ADT, an arterial highway shall be required as set forth in subsection (g) of this section. 9-4,327

ABE 16 HUSely Importably

AGENDA ITEM

May 30, 2006

TO:

Dave Adams, City Manager

FROM:

Molly Bogh, Planning Director freture

SUBJECT:

Consideration of Conceptual Design Alternatives with Respect to Sound walls, Retaining Walls, and Landscaping for Caltrans' Proposed Widening of Ortega Highway (SR-74) from Calle Entradero to the Easterly City Limit

RECOMMENDATION

Question raised before workshop/public inc

By motion: provide direction on the proposed conceptual design alternatives with respect to design section, sound walls, retaining walls, and landscaping for Caltrans proposed widening of Ortega Highway (State Route-74) and

Does the City concur with the prop esign section for the Calle Entradero-Avenida Siega road segment, and a 76'-0" wide geometric design

section for the Avenida Siega-City limit road segment? Does the City concur with reconstructing the existing eastbound right-turn lane curb 2.

return and sidewalk at Via Cordova?

3. Does the City concur with maintaining the 5 intersections within the City warrants may justify ine neseator signal and the signal

Personal Property of the Exempt of the Walk and the state of the state of 4. wand retaining the existing

that is the City's preferred material for sound walls on the south side of the 5. highway? If the City prefers glass sound walls, does the City agree to fund the additional cost of glass walls over the cost of standard Caltrans-approved masonry block walls?

6. If the City prefers a service of the highway, will the City agree to accept maintenance responsibility for these glass sound walls on the south side of Ortega Highway?

What is the City's preferred material for retaining walls on the north side of the 7. highway?

8: What is the City's preferred landscaping concept for the north side of the highway? If this concept exceeds normal Caltrans landscaping guidelines, will the City agree to fund the difference in cost?

9. Will the City agree to maintain all landscaping for the project located within City limits (including landscaping on retaining walls)?

Sounderall type by 9-29-06

SITUATION

Summary and Recommendation

The California Department of Transportation has proposed to widen Ortega Highway (SR-74) to four lanes with construction of left-turn lanes, from Calle Entradero to east of Antonio Parkway. preparing preliminary design plans for the proposed widening of Ortega Highway. While the City does not have any legal jurisdiction over the proposed project. Caltrans has invited the City process process city concerns regarding aesthetics along the ghway, designated as a scopie route in the Cityle General Plan

Staff recommends that the City Council and Planning Commission conduct a public to provide arcological conceptual design alternatives with respect to proposed design concepts, including the roadway section, sound walls, retaining walls, and landscaping for Caltrans-proposed widening of Ortega Highway. they didn't leston to impust

C. Background

In 2004 Caltrans provided conceptual design plans to the City for input on proposed retaining walls and sound walls for the widening of Ortega Highway from 2 lanes to 4 lanes east Calle Entradero to the City limits. Those design plans proposed to construct about 1,500 linear feet of 12'-0" to 15'-0" high concrete retaining walls along the north side of Ortega Highway and about 3,400 linear feet of 16'-0" high masonry sound wall along the south side. Staff determined that the proposed retaining and sound walls had the potential to impact the scenic quality of the current roadway corridor, which provides views of the valley and ridgelines and a rural ambiance consistent with the General Plan. In an angus 2004 letter to Assemblyman Todd Spitzer, then-Mayor Joe Soto outlined the City's concerns about the project (see Attachment 1). + PAT BATES

In response to the City's concerns Caltrans presented revised wall and landscaping plans, but staff was unable to reach final agreement on the design concepts with Caltrans. A session of the company o with plans for widening Ortega Highway within Planning Area for the Ranch Plan, and become a several meetings de ween the City, the County, RMV and Califans in 2005; it was agreed that RMV would assist the City and Califrans in final ring the toadway section for the pontion of chega Highway within the City limits in order to provide a basis for identifying wall-locations and heights. The City agreed to retain RMV's landscape consultant, Land Concern, in order to draft design concepts for walls and landscaping which would maintain the City's scenic character while creating a uniform theme for the Ortega corridor from I-5 to La Pata. Caltrans agreed to accept the City's input regarding wall and landscape design for

Remains our sidewalk

A COLDO

consideration in their environmental document and final design plans: The County agreed to use funds allocated to the Ortega Widening project from the mitigation in order to fund some of the up-front design costs.

To assist staff and the consultant in exploring design concepts for walls and landscapine. Commission members including Syrnes, Cultural Heritage Commissioner, and Robert Cardoza, Planning Commissioner and Design Review Committee member. The working group met four times to review consultant.

Environmental Processing: The design direction provided by the City Cariglian discussion will assist californs in the completing the Environmental pact Report Environmental Impact Study for the proposed project The City's design direction will be incorporated into preparation of the "aesthetics" section of the environmental documentation by Californs. No additional environmental review

D. <u>Project Description</u>

The project consists of the proposed widening of Ortega Highway from two lanes to lanes from the existing four lane road section near Calle Entradero to east of Antonio Parkway/La Pata. The City is focusing its review on that segment of the project situated within the City. The project proposes the following elements:

Maintaining the existing south edge of Ortega Highway at the present curb line, maintaining the existing sidewalk and landscaped parkway, and erecting sound walls in three locations to block noise from adjacent residential neighborhoods. Sound wall heights would vary from 12 to 16 feet.

Widening the roadway by adding two additional travel lanes and a continuous left turn lane to taking additional right of way on the north side of the highway.

Constructing 12'-0" to 18'-0" retaining walls at three different locations along the north side of Ortega Highway at the edge of the existing/proposed right-of-way to accommodate the proposed road widening.

Reconstructing existing private driveway entrances along the north side to maintain access to existing homes.

Landscaping along the north side of Ortega Highway.

In a letter to the City dated May 4, 2006 Caltrans requested that the City provide direction or design concurrence on several aspects of the proposed project (see Attachment 2), as summarized below:

 The proposed 70'-0" wide geometric design section for the Calle Entradero-Avenida Siega road segment.

2. The proposed 76'-0" wide geometric design section for the Avenida Siega-City limit road segment.



- 3. return and sidewalk at the control of the existing eastbound right turn lane curb
- 4 Line of the existing 5 intersections within the City as non-signalized and city of bedesiran crossings.
- 5. Eliminating the existing sidewalk along the north side of Ortega Highway from Calle Entraderate Via Cordova
- 6. City acceptance of mesponsibility for maintaining any glass sound walls (or maintain the walls).
- City acceptance of responsibility for maintaining all landscaping including retaining wall landscaping within the City.

E. Issues & Staff Analysis

North Side Improvements

house?

Caltrans proposed widening project will occur primarily along the north side of Ortega Highway. Retaining walls are proposed at three locations along the north side of Ortega Highway. About 380 linear feet of 12'-0" to 15'-0" high retaining wall is proposed between Palm Hill Drive and the private entrance across from Via Cristal along Ortega. An additional 150 linear feet of retaining wall is proposed along the north edge of Palm Hill Drive. While the plans depict a potential 20 foot wide parkway for landscaping, the sections depict minimum 5'-0". About 240 linear feet of 12'-0" to 15'-0" high retaining wall is proposed along the slope across from Via Errecarte. The layout plans also depict a 20 foot wide parkway but the sections show minimum 5'-0". The most significant retaining wall is a 600 linear foot 15'-0" to 18'-0" high retaining wall proposed between Shade Tree Lane and the most easterly private entrance near the City limit. The plans depict a 10 foot wide parkway at this location but the sections again show a minimum 5'-0".

While the existing sidewalk in the vicinity of Hunt Club would be eliminated, the existing suestrian (multi-purpose) trail would be retained. Several roads and private drives would be retained as a result of widening and the grades (steepness) would increase. It can plans propose to increase the Palm Hill Drive grade from about 16.7% to 23.0% and a sixting easterly private drive from 10.0% to 27.1%.

Staff, the consultant and the ad hoc committee reviewed several design concepts for the proposed retaining walls, including the Caltrans standard wall design, a decorative masonry block, a stepped wall with landscaping, and a reinforced gunite wall designed to look like native rock. These concepts are summarized in the following table.

Possible House Sipe?

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0.411	Discussion Points
Retaining Wall Design	
Option 1a: Standard Caltrans Retaining Wall.	 This Caltrans standard retaining wall consists of a concrete, poured-in-place wall system. The existing retaining wall along the north side of Ortega between the I-5 northbound on-ramp and Rancho Viejo Road is an example of a standard retaining wall, but with a "fractured-fin" finish to give the wall a textured appearance. The Caltrans standard retaining wall is functional but provides no aesthetic enhancement.
Option 1b: Standard Caltrans Masonry Block Retaining Wall (with Sack Finish) Option 2a: Single Wall System with River-rock Form Liner.	 This Caltrans standard retaining wall consists of a concrete block wall and provides a more aesthetic appearance than the poured-in-place wall system. This retaining wall with a plastered and painted finish would convey the appearance of an adobe wall. The paint finish would probably consist of an earthtone color, typical of the Mission buildings, which would compliment the landscape palette of the corridor. This concept was used adjacent to the Rancho Madrina housing project on Rancho Viejo Road. If properly landscaped, this concept could blend into the Mission theme and become less visible than some of the other alternatives. The "River-rock Form liner" retaining wall concept, as the name implies, involves the use of a "form liner in the concrete wall forms which create a "river-rock" appearance. An example of this wall system occurs along the west side I-5 in San Diego County north of the San Diego city limits. This design approach reflects the rock materials found in other areas of the City, such as Stone Field. However, unless the treatment is done carefully, it may convey an unauthentic appearance. The form liner approach results in a high degree of uniformity in material, color, and surface variation which distinguishes it from a retaining wall with a river-rock façade

	0.1:		
	Option 2b: Single Wall		The gunite-faced retaining wall system would involve the installation
	System with Gunite	1	Of steel mesh with slope tip banks to which would involve the installation
	Faux Rockscape.		of steel mesh with slope tie-backs to which earth-toned gunite would
			be applied. The gunite would be hand-troweled to convey the
	•		appearance of a rock outcropping. While the technique is labor
]	intensive and expensive, it effectively conveys a natural
		1	appearance. Two local examples of the effective use of "gunite faux
		1	rockscape" include (1) the bluffs along the north side of Coast
		1	Highway in San Clemente between Camino Capistrano and Avenida
	· .	1	Pico and (2) the slane stars the stars to the stars of the stars the stars the stars of the star
			Pico, and (2) the slope along the north side of Pacific Coast
.			Highway (PCH) in Dana Point just south of Crown Valley Parkway.
- [•	• .	I he use of "gunite faux rockscape" in these two locations reflects
- {			The coastal geology where exposed rock faces occur as a result of
			water and wind erosion. However, exposed rock bluffs is not a
			geologic feature common in San Juan Capistrano and therefore is
Ì			not generally appropriate within the City Land Hard Therefore is
	• • • • • • • • • • • • • • • • • • • •	Ì	not generally appropriate within the City. In addition, the treatment
	Option 3: Two-tiered		is more expensive than other wall designs.
	Wall System (river rock	•	The "Two-tiered Wall System" would provide a mid-wall break to
1	form liner or aveiler form		accommodate landscaping so that a 12'-0" retaining wall could be
	form liner or gunite faux rockscape)		constructed as two 6'-0" walls or an 18'-0" high retaining wall could
Ì	(ockscape)		be constructed as two 9'-0" walls. In terms of visual impact of the
			retaining wall, the two-tiered system could be superior to a single
ľ			wall system if right-of-way were no constraint to design. However,
}	. ,		existing residential development along the north side of Ortega
			Highway limits the ability to expand the area of right-of-way.
			This concent would aither to experie a state of right-of-way.
	. ,	•	This concept would either require additional public right-of-way from
	}		adjoining private properties or would result in a reduced parkway
1			width at the base of the retaining wall. The ad hoc committee felt
			that providing adequate landscaping at the top and have of the walls.
-	1		is necessary. The 2-tiered wall design may not allow this given right
<u> </u>			or way constraints.
L	andscaping	•	The ad hoc committee recommended covering as much of the
ĺ	j		retaining walls as possible with vines and landscaping.
			In areas without retaining walls the security
	. [_	In areas without retaining walls, the committee recommended use of
			California native plant material, including trees (per Caltrans
	.		standards) where possible, to be spaced in natural groupings with
			shrub massing and ground cover.

South Side Improvements

While the proposed widening project occurs primarily along the north side of Ortega Highway, improvements are also proposed to the south side. The most significant proposed improvements to the south side of the road include three segments of proposed sound wall with a maximum height of 12'-0" to 16'-0". Proposed sound walls would be constructed between Calle Entradero and Via Cordova (about 730 linear feet), between Via Cordova and Via Cristal (about 710 linear feet), and between Via Cristal and Via Errecarte (1,170 linear feet). Caltrans does not propose a sound wall between Via Errecarte and Avenida Siega, nor east of Avenida Siega. According to Caltrans guidelines, sound walls are constructed only in areas where they will reduce noise levels by at least 5 decibels. The proposed sound walls would be situated along the outside of the parkway so as to accommodate the existing sidewalk and 5'-0" wide landscape area.

The existing sidewalk would be maintained and a new sidewalk would be constructed from Avenida Siega to the City limit. An eastbound right-turn lane would be constructed at Via Cordova which would also require replacement of the existing sidewalk. Between Avenida Siega/Shadetree and the City limit, the proposed road widening would occur almost equally to both the north and south sides of the road.

Staff, the consultant and the research iewed two design concepts for the proposed sound walls including the Caltrans standard masonry sound wall design and combination glass and masonry sound wall design. These concepts are summarized in the following table.

Sound wall Design Con	
Option 1: Manager Con	
Option 1: Masonry & glass sound wall	 The "Masonry & glass sound wall" would consist of the installation of glass wall panels above existing masonry walls. The glass panels
	would be self-supporting on steel posts embedded in concrete footings. There would be no additional bearing weight on the existing property owner/HOA walls.
Class ore	 Along the easterly portions of the widening area, existing wall heights are variable. In these areas, a solid wall would be constructed adjacent to the existing walls and topped with glass
FL CAN	panels.
+ not voted	The use of glass sound wall panels would maintain the existing views of the southerly hills and San Juan Creek Valley from along
Calirans standard	the Ortega corridor, and provide light and transparency for adjacent residents, avoiding a tunnel-like look.
masonry sound wall	installation of a solid masonry wall of 12'-0" to 16'-0" foot high.
Landona	The standard masonry wall would block all ridgeline and San Juan Creek valley views to the south of the Ortega corridor.
Landscaping	Parkway landscaping on the south side of the highway already exists adjacent to residential subdivisions. Existing landscaping generally contains turf, shrubs and trees. There is no proposal by Caltrans to replace this landscaping. Any new landscaping in this area would be at the City's expense.
•	The ad hoc committee recommended that this area be replanted at some point with a more natural plant palette similar to that used at the Rancho Madrina project on Rancho Viejo Road.
OTHER DESIGN ISSUE	40.0

OTHER DESIGN ISSUES

In addition to the wall and landscaping concepts outlined above, the City's Engineering Department has reviewed the design plans and has no comments on the proposed roadway cross sections. However, Engineering staff identified the following issues which should be addressed in the final design:

1. The design should clarify whether existing utilities will be under-grounded. The City recommends undergrounding of utilities as part of the widening project.

- 2. The design, bidding and construction of the road improvements should be coordinated with the City Water Department to accommodate installation of a 12inch water line from Antonio Parkway to Toyon Drive, in order to avoid the need for subsequent road closures and trenching after the road widening project is completed. The City will use the same engineer (HDR) for design of the water line project as Caltrans is using for roadway design. The City requests that Caltrans integrate the City Notes Day at the tinto the distribution and construction process, such that the plans and specifications for the water line are part of the same and as the road improvements, that the that bid amounts for both components of the project are considered in the award of contract.
- 3. The City needs an equestrian crossing of Ortega Highway to connect trail systems north and south of the highway. The City is currently evaluating the feasibility of using the La Novia signal to assemmedate an equestrian crossing. However, the City wants to retain the ruture option to establish an acceptant are Errecarte. or Via Cristal. NOW DO Uney get Unere?
- 4. The preliminary design proposes to increase the grade (steepness) of the Palm Hill Drive access road from 16.7% to 23.00 matter than easterly private entrance from 15.0% to 21.1% the existing and proposed grades exceed Orange Gentle Fire Company of the existing grades where the existing grades presently grades cannot exceed the existing grades where the existing grades presently exped OCFA signification and the following state of the significant sta

FINANCIAL

The cost of retaining the Ortega Widening Project is not to exceed \$20,000. The County has agreed to reimburse the City for the cost of this work through a cooperation agreement regarding Ortega Highway improvements. Therefore, there is no fiscal impact to the City from the process of developing design recommendations.

Line ingineering has prepared construction cost estimates for the various types of retaining walls and sound walls. The estimates provide a rough, order-of-magnitude cost comparison of the various alternatives under consideration (see Attachment 3). Should the City recommend design alternatives which require additional expense above and beyond the Caltrans standard designs, the City would be expected to cover the additional cost.

For non-standard retaining walls, Caltrans expects the City to pay for the additional construction cost which exceeds the basic Caltrans wall design standard. However, Caltrans would be responsible for maintaining the retaining walls. The retaining wall with sack-finish design for north side retaining walls would increase the construction cost. The City has requested HDR Engineering to provide a cost estimate.

For non-standard sound walls (glass and masonry), Caltrans expects the City to pay the difference between the cost of such walls and the Caltrans standard masonry sound wall, and also maintain the sound walls. The financial impact is unknown at this point, but could be significant. HDR estimates that the glass-masonry sound wall could add \$0.9 to \$1.2



million to the construction cost. The maintenance cost for the glass-masonry sound wall alternative is unknown.

The City presently has responsibility for maintaining landscaping along the south side of Ortega Highway between Via Cordova and Avenida Siega. Staff will provide estimates of annual landscape maintenance cost at the workshop. Caltrans has requested that the City maintain all landscaping on the north and south sides (including on the retaining walls). The annual cost of this maintenance is unknown.

PUBLIC NOTIFICATION NO PUBLIC hearing for IN PUT

Albeit ab this rough the control of the control of the control of the latest of the project. The meeting agenda has been posted consistent with State law and City policy.

Caltrans also mailed a sound wall survey to potentially affected property owners along the Ortega Highway Corridor to determine their preferences with respect to sound wall heights and treatments (see Attachment 4). That survey included reference to the City's public workshop this evening. Consequently, some meeting attendees may have received notice via the Caltrans survey.

Commission ALREADY DETERMINED OUTCOME

DECOMMENDATION

workshop; and,

By motion: that the City Council and Planning Commission conduct a public workshop and provide direction on the proposed conceptual design alternatives with respect to sound walls, retaining walls, and landscaping for Caltrans proposed widening of Ortega Highway (State Route-74) and provide responses to the following issues as requested by Caltrans:

- 1. Does the City concur with the proposed 70'-0" wide geometric design section for the Calle Entradero-Avenida Siega road segment, and a 76'-0" wide geometric design section for the Avenida Siega-City limit road segment?
- Does the City concur with reconstructing the existing eastbound right-turn lane curb return and sidewalk at Via Cordova?
- Does the City concur with maintaining the 5 intersections within the City as non-signalized and free of pedestrian crossings, until such future date that signal warrants may justify the need for signalization?
- 4. Does the City concur with eliminating the existing sidewalk along the north side of Ortega Highway from Calle Entradero to Via Cordova, and retaining the existing multi-purpose trail along the Hunt Club frontage?
- 5. What is the City's preferred material for sound walls on the south side of the highway? If the City prefers glass sound walls, does the City agree to fund the additional cost of glass walls over the cost of standard Caltrans-approved masonry block walls?
- 6. If the City prefers a glass sound wall design for the south side of the highway, will the City agree to accept maintenance responsibility for these glass sound walls on the south side of Ortega Highway?
- 7. What is the City's preferred material for retaining walls on the north side of the highway?
- What is the City's preferred landscaping concept for the north side of the highway? If this concept exceeds normal Caltrans landscaping guidelines, will the City agree to fund the difference in cost?
- 9. Will the City agree to maintain all landscaping for the project located within City limits (including landscaping on retaining walls)?

Respectfully submitted,

Molly Bogh

Planning Director

Prepared by,

William Ramsey, AICP

Principal Planner

(F-10)

Enclosures: Ortega Highway Retaining Wall and Sound Wall View Simulations (to be provided under separate cover) Attachments:

- 1. August 24, 2004 letter from then-Mayor Joe Soto to Assemblyman Todd Spitzer.
- 2. May 4, 2006 Letter from Jim Beil, Caltrans to Dave Adams, City Manager.
- 3. Retaining Wall and Sound Wall Construction Cost Estimates by HDR.
- 4. Caltrans Ortega Highway Sound Wall Survey dated May 12, 2006.

32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 (949) 493-1171 (949) 493-1053 FAX www.sanjuancapistrano.org



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO DIANE L. BATHGATE WYATT HART. JOE SOTO DAVID M. SWERDLIA

August 24, 2004

lice of the Mayor

The Honorable Todd Spitzer Assembly Member, 71st District 1940 North Tustin, Suite 102 Orange, CA 92865

Subject: SR-74, Ortega Highway Widening Project

Dear Assembly Member Spitzer:

The City of San Juan Capistrano has been meeting with Caltrans staff representatives regarding the potential widening of State Route 74, Ortega Highway, through the easterly portion of our City. The transfer of the control of

direction of this project as currently proposed by Caltrans.

While the City has supported the widening project subject to completion of the improvement of the Ortega/I-5 Interchange, we must object to the design as currently proposed. The proposed widening results in removal of the existing parkway landscaping and mature trees and will be replaced by asphalt, concrete curb and a sidewalk. Immediately behind the sidewalk on the south side will be a sixteen (16) foot high sound wall along the entire residential frontage from Calle Entradero to Via Eracarte a distance of about 3,400 feet (See attached plans). On the north side, there are no proposed sound walls. Instead, there will be about 1,500 feet of retaining walls ranging in height from twelve to fifteen (12-15) feet. As proposed, the improvements will destroy this scenic rural roadway, which we view as a primary entry into our community. This is truly an unacceptable condition in a community that values its natural and scenic beauty.

Our City's General Plan designates Ortega Highway as a scenic corridor. Further Caltrans has indicated to the City that Ortega Highway is designated by the State for eligibility as a Scenic Highway. This particular stretch of Ortega will serve as a gateway entrance into the City from the proposed Rancho Mission Viejo Project on our eastern border. It seems that when a project has eligibility potential, aesthetic impacts should be given serious

San Juan Capistrano: Preserving the Past to Enhance the Future

ATTACHMENT 1

The Honorable Todd Spitzer August 24, 2004 Page Two

consideration. If the current unimaginative stark design is implemented, the impacts will be irreversible and the aesthetics on this beautiful stretch of road will be permanently destroyed. Caltrans has informed City staff that if we wish to do anything that exceeds the standard design all additional costs would be borne by the City, including obligations for long-term liability and maintenance.

Caltrans is presently marching down the road to prepare a Negative Declaration on the project. They plan to hold a public meeting on the project some time in late October or early November. We are informed that they intend to proceed even with the concerns raised by the City.

We are requesting several things. First, we would like to stop the process to give the City more time to meet with Caltrans and work out the aesthetic issues in a more satisfactory manner. Second, we would request Caltrans give more serious design consideration to the potential scenic route designation before it is lost forever. Third, since construction is far from being fully funded at this time, Caltrans work with the City, the County and the Rancho Mission Viejo Company to identify additional funding opportunities to accomplish our mutual objectives.

Your support and assistance in this matter is greatly appreciated. Please contact me if we can be of any assistance to you.

Sincerely

Jøe Soto Mayor

Enclosures

cc: Supervisor Tom Wilson
Cindy Quon, Caltrans Director of District 12
Dave Adams, City Manager
William Huber, Assistant City Manager

DEPARTMENT OF TRANSPORTATION District 12

3337 MICHELSON DRIVE, SUITE 380 IRVINE, CA 92612-8894. PHONE (949) 724-2010 (949) 724-2019 FAX TTY (949) 756-7813



Flex your power Re energy efficient!

May 4, 2006

Mr. Dave Adams, City Manager City of San Juan Capistrano 32400 Paseo Adelanto San Juan Capistrano, Ca 92675

Subject: Lower Ortega Widening Project Design Features Concurrence

Dear Mr. Adams.

The State of California Department of Transportation (Department) appreciates the opportunity to work in partnership with the City of San Juan Capistrano and the County of Orange to implement Ortega Highway improvements, which are safe, functional and acceptable to the community stakeholders.

We have endeavored over the past several weeks to reach consensus on specific design features for widening the subject State Highway between Calle Entradero and the easterly city limits. The Department and the City have discussed options for the highway, which include a reduced typical section, alternative noise abatement walls, and incorporation of aesthetic features for the retaining wall structures proposed on the north side of the roadway.

The proposed high varies of the width of the test with a partie of numal landscaping in the parkway areas adjacent to the roadway section pending final review of the engineered plans and supporting specifications. We will also

elevation sections proposed along the subject corridor. Department support of the 70-foot highway section assumes a gradual transition beginning within the city limits, designed to meet Department standards, joining the wider roadway section proposed by the County of Orange easterly of the city boundary centance of the proposal by the community and the existing souther community will maintain the existing souther

curb line of the highway and will maintain the existence him adjacent to the Hunt Club Development.

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ATTACHMENT 2

Mr. Dave Adams May 4, 2006 Page 2 of 5

The Department understands and supports the City's desire to maintain the scenic and historic character of the Ortega Highway corridor. Increased ambient noise levels have been identified as an impact caused by the proposed widening project. The Department is proposing to construct noise abatement walls along the south side of Ortega Highway unless we receive written waivers declining the proposed noise mitigation from 50% plus 1 of the impacted residents. The Department will be providing notice to the impacted community members relative to noise mitigation alternatives in May 2006. If the majority of the impacted community is in favor of constructing noise abatement sound walls then the Department will support the proposed glass and steel frame noise abatement wall alternative providing that said structures are alternative providing that the noise abarement wall need to look to the City to assure that the noise abarement wall remain in place so that the Department wall need to look to the City to assure that the noise abarement wall remain in place so that the Department wall need to look to the City to assure that the noise abarement wall remain in place so that the Department wall need to look to the City to assure that the noise abarement wall remain in place so that the Department wall need to look to the City to assure that the noise abarement wall need to look to the City to assure that the noise abaremen

THE RESERVE OF THE PROPERTY OF The proposed project will require construction of 12 to 18 foot high retaining structures at a minimum of three locations on the north sided of the Ortega Highway. The City is requesting The Department construct said walls with aesthetic treatments that include camouflage landscaping, form liners, and/or gunite faux rockscapes. The Department can support some aesthetic treatments including those requested by the city providing said aesthetic treatments do not impact the structural integrity of the wall and/or our ability to physically inspect the subject wall. We can generally support the form liner and gunite faux rockscape approaches that disguise the retaining structure without potentially compromising the wall integrity with root and water intrusion. Based on our discussions to date we believe the retaining structures can be constructed to blend into the existing landscape while providing a wall designed to meet Department structural and seismic standards. However, without benefit of specific geotechnical and engineering design information, a definitive acceptance of the proposed wall designs as presented cannot be made. The Department will work with the City to develop an acceptable final wall design that will provide a safe retaining structure acceptable to the community within the concepts that have been identified to date.

A Cooperative was since to construction and funding of the noise abatement walls and retaining walls. Maintenance obligations will need to be agreed upon and documented in a Maintenance Agreement between the Department and the City.

ROUPSTATE POOCH PRA

"Caitrans improves mobility across California"

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Prior to the execution of the freety distribution in Department requires the City's write the contract of the following items:

phication of the general 70 foot roadway section from Calle Entradero to Avenida Siega consisting of:

- Four 12 foot mixed flow lanes
- 12 foot painted median
- 111 5 foot outside shoulders

Application of the general 76 foot roadway section from Avenida Siega to City/ County boundary consisting of:

- Four 12 foot mixed flow lanes
- ii. 12 foot painted median
- iii. 8 foot outside shoulders (as transition into the wider County section)

The eastbound right turn pocket at the intersection of via Cordova be replaced at the south side of the existing location. The curb return and sidewalk at this location will be reconstructed.

The intersections within the Crambilla Arenda lie Engadero. Via Cordova, Via Crambilla Briecate, and Avenida Siega) will remain non-signalized and free the contamorous ing treatment.

The elimination of the north side sidewalk from Calle Entradero to Via understood that the privately owned equestrian trail between Calle Entradero and Via Cordova will remain in place with the property of the control of the cont

Ponsibility of the maintenance of the particular partic coordination with the adjacent property homeowners or homeowners association for such maintenance.

Be responsible for the maintenance and upkeep of landscape treatment on Ortega Highway within the City reach, including landscaping on retaining

Calirans improves mobility ocross California

Mr. Dave Adams May 4, 2006 Page 4 of 5

We look forward to continuing our partnership with the City to deliver this important highway capacity enhancement project to the community of San Juan Capistrano. If you have any questions related to the project or the contents of this letter please contact The Departments Project Manager, Mr. Ahmed Abou-Abdou, at (949) 724-2768.

Sincerely,

YM BEIL

Deputy District Director Capital Outlay Program

District 12

Cc:

Ahmed Abou-Abdou, Caltrans Project Manager

Mili Lim, Caltrans Design

William Huber, SJC, Assistant City Manager

Harry Persaud, County of Orange

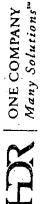
SR 74 (Ortega Highway) Widening Project Retaining Wall System Comparisons

	Option 1	on 1	Opti	Option 2a	Opti	Option 2b	Opt	Option 3
Retaining Walls	Standard Retaining	Standard Caltrans Retaining System	Single W	Single Wall System with Form Liner		Single Wall System with Gunite Faux	2-Tier Wa	2-Tier Wall System with Architectural
					Rock	Rockscpes	Trea	Treatment
"Order-of-Magnitude" Cost Comparison	Min.	Max.	Min.	Max.	Min.	Max.	Min	Max.
Retaining Wall 17	1.6	2.0	1.6	2.0	2.0 (2)	2.5 (2)		3.0
Architectural Treatment	•	ı	0.1	0.5	1.5	2.0	0.1	2.0 (4)
rootings **	0.4	3.0	. 0.4	3.0	0.4	3.0	2.0	4.5
Additional right-of-way (relative to Option 1)	,		,	•	1.0 (2)	2.0 (2)	1.2	2.5
Total (\$ mil.)	2.0	5.0	2.1	5,5	4.9	9.5	5.3	12.0
Uriginal Project Allotment (\$ mil.) (9)	1.5	1.5	. 1.5	1.5	1.5	1.5	1.5	1.5
Additional Budget Needed (\$ mil.)	0.5	3.5	9.0	4.0	3.4	8.0	3.8	10.5
Qualitative Comparison Design Standards Maintenance Responsibilities of Structural Integrity Maintenance Responsibilities of Aesthetic Treatment	Caltrans Caltrans	Caltrans Caltrans	Caltrans Caltrans	ပပ	00	Caltrans	Caltrans	Caltrans
	3	<u></u>	<u>ج</u> ز	ີ ເ	<u>≥</u>	2	2	2

(1) Cost of wall will vary based on wall types, which will be determined based on geotechnical recommendations and final design.
(2) Wall locations need to be setback by 3 – 5 feet to provide adequate sight distance if gunite faux rockscapes are used. This will result in taller walls and more right of way impacts.

Assumed gunite faux rockscapes.

(5) Cost of footings will vary significantly based on geotechnical recommendations and final design.(6) Based on Caltrans 2003 Draft PR Estimate



SR 74 (Ortega Highway) Widening Project Sound Wall System Comparisons

Sound Walls	Option 1 Masonry Block	n 1 Block	Option 2 Glass	on 2 SS	Cost Difference
"Order-of-Magnitude" Cost Comparison	Min.	Max.	Min.	Max.	
Sound Walls (1)	1.2	2.0	2.9	3.5	•
Utility relocation from soundwall	0.2	0.5		4.0	
Parkway Reconstruction	0.5 (2)	0.5 (2)	0.1	0.4 (€)	
Additional right-of-way (relative to Option 1) (5)	0.0	0.0	-0.2	0,1	
Total (\$ mil.)	1.9	3.0	2.8	4.2	0.9
Original Project Allotment (\$ mil.) (6)	0.8	0.8	0.8	0.8	
Additional Budget Needed (\$ mil.)	1.1	2.2	2.0	3.4	
Qualitative Comparison					
Design Standards	Caltrans	Caltrans	<u> 2</u>	<u>.</u>	,
Maintenance Responsibilities	Caltrans	Caltrans	City	Ç Ö	
Disruption to Existing Parkway	High	High	Low	Medium	
Natural Light Penetration	No No	S S	Yes	Yes	

(1) The cost of sound walls will vary significantly based on the foundation type, which will be determined based on geofechnical recommendations and final design.

(2) Total reconstruction of parkway within sound wall limits will be required. (Costs shown include tree removals and \$5 / st landscape replacement,

(3) Assumed reconstruction of parkway to replace right-turn pocket and light shuctural support for glass sound walls.

(4) Assumed reconstruction of parkway to replace right-turn pocket and heavy-duly structural support for glass sound walls.

Option 1 will require reconstruction of existing garden walls. As a result, more significant amount of temporary construction easement will be required to accommodate construction activities on both north and south side of the existing walls. Option 2 will contain construction activities only to the north side of the existing garden wall. Temporary construction easement is required only for the Letter Lot B area. Therefore, there will be a reduction in right of way cost compared to Option 1.

(6) Based on Caltrans 2003 Draft PR Estimate



of 1

DEPARTMENT OF TRANSPORTATION

DISTRICT 12 3337 MICHELSON DRIVE SUITÉ 380 IRVINE, CA 92612-8894 PHONE (949)-724-2738 FAX (949) 724-2256 TTY (949) 756-7813



Flex your power Be energy efficient!

May 12, 2006

Dear Home/Property Owner:

The California Department of Transportation is in the design phase to widen Ortega Highway (State Route 74) east of Interstate 5 in south Orange County. This project would ease current and projected traffic congestion in the TOWER

the department of Transportation has determined that it might be appropriate to construct three sound walls on the south side of Ortega Highway between Calle Entradero and Via Errecarte. You have received this letter because you own a property that might be affected by noise increases associated with the

roadway improvement project (see attached aerial photograph) and one of the proposed walls. The Department of Transportation is, therefore, seeking your opinion as to whether a sound wall should be built between Calle Entradero and Via Cordova to reduce the level of traffic noise at the properties on the south side of Ortega Highway behind sound wall number 1.

Please note that the sound walls are planned to be around 14-feet high. Properties closer to the highway would experience greater noise reductions than properties farther away if the sound walls were built. Taller sound walls would also achieve greater noise reductions. second row of houses immediately next to the inghway. The impact of naffic raises on houses and one of houses. Similarly seams was would most directly hereinful and the houses. Note that the second row of houses. Note that the second row of the s Name and actions resulting from the sufficient of the sufficient o

If a majority of the affected homeowners is in favor of the sound walls, then sound walls will be considered for construction of however for necessary the state of the st Transportation. Please complete and return the enclosed survey sheet in the provided, addressed envelope. In order to be counted, the survey sheet must be signed by the property owner(s) and postmarked by no later than June 15, 2006. define affected - property values, Declining effect entire

The City of San Juan Capistrano will be holding a joint workshop of the City Council and Planning Commission to review design concepts for walls and parkways for the Ortega Highway Project. You are invited to this workshop to view conceptual plans and renderings of the widening project and learn more about the project. A representative from the California Department of Transportation will attend the meeting to provide information about the sound walls and traffic noise. You may mail your survey sheet to us without attending the meeting, However, we encourage you to attend the meeting prior to completing the survey sheet. The City's workshop is scheduled as follows:

> May 30, 2006, 7:00 PM City of San Juan Capistrano, City Council Chambers 32400 Paseo Adelanto, San Juan Capistrano, CA 92675

If you have any questions please call Ms. Cindy Krebs of BonTerra Consulting at (714) 444-9199.

Reza Aurasteh, Ph.D., PE Branch Chief, Environmental Engineering California Department of Transportation

Survey Sheet

For homeowners between Calle Entradero & Via Cordova (Sound Wall #1)
Ortega Highway Project Sound Wall

Please complete this survey and mail to:

BonTerra Consulting

City, Zip Code

Attn: SR-74 Soundwall Survey 151 Kalmus Dr., Suite E-200

Costa Mesa, CA 92626

This survey sheet is for properties located on the south and north side of Ortega Highway between Calle Entradero & Via Cordova. Please look at the enclosed aerial photograph, complete the following, sign and return to the address above.

As an option, the Department of Transportation and the City are working on the possibility of a transparent sound wall in lieu of a concrete block wall. If funding of the higher cost of a transparent wall can be arranged, construction of a transparent wall will be considered. Otherwise, a concrete block wall will be considered for construction.

My property is located within the area explained above. (Please check only one of the three "Yes"

lines)	•					
[] Yes, I am in favor of the prop	osed sound wall	# 1 only if it is a	transparent v	vali	•	
[] Yes, I am in favor of the prop	osed sound wall	# 1 only if it is a	concrete bloc	k wall		
[] Yes, I am in favor of the proj	posed sound wal	l# 1 either as a t	ransparent wa	ll or a cor	acrete w	111
[] I would prefer aft wall (please circle you	ir choice: 12 foot	,.14 foot, 16*	foot)		
[] No, I am not in favor of the p	roposed sound w	vall#1.				
[] I prefer that wall #1 is NOT c	onstructed at any	y height or with a	ny material.			
*Please note that if a 16-ft sound constructed instead. The final roa			afety concerns	, a 14-ft v	vall will	be
The property owner should sign b	elow:					
					·	
Print First, Last Name(s)	•	Signature		,		
				:	,	. '
Street Address of the Property		Date				

× //

RECORDING REQUESTED BY, AND WHEN RECORDED RETURN TO:

EXEMPT C7 RECORDING FEES EXEMPT DUE TO GOVERNMENT CODE SECTION 6103

CITY CLERK'S DEPARTMENT CITY OF SAN JUAN CAPISTRANO 32400 PASEO ADELANTO CAN JUAN CAPISTRANO, CA 92675

Mary And Hanover, City Clerk San Juan Capistrano, Californ

RESOLUTION NO. 84-2-7-7

ACCEPTING IRREVOCABLE OFFER - TRACT 6305

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA ACCEPTING THE IRREVOCABLE OFFER OVER THE PERICHERAL TRAIL OF TRACT 6305, BOOK 457, PAGES 1 THROUGH 15 (THE HUNT CLUB)

WHEREAS, on August 9, 1979, an irrevocable offer to dedicate easements for equestrian trail purposes was made to the City of San Juan Capistrano over Tract 6305, recorded in Book 457, Pages 1 through 15 of Official Records of the County Recorder, County of Orange; and,

WHEREAS, the offer was not accepted at the time because the City was not prepared to assume the responsibilities for the maintenance of such easements; and, how have the time because

WHEREAS, the City Council finds and determines that the trails of the aforesaid offer should now be accepted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Capistrano does hereby accept the easements for equestrian trail purposes over Tract 6305 (The Hunt Club).

BE IT FURTHER RESOLVED, that upon successful repair of the peripheral trail system in Tract 6305, as approved by the City Engineer, the City Clerk is authorized and directed to cause a copy of this Resolution to be recorded in the Office of the County Recorder for the County of Orange, State of California.

February , 1984 , by the following vote, to wit:

AYES: 'Councilmen Friess, Hausdorfer, Buchheim, Schwartze, and Mayor Bland

NOES: None

ABSENT: None

ANTHONY L BLAND, MAYOR

ATTEST:

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- 7. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
- 8. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records.
- 9. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not shown by the public records and not otherwise excluded from coverage but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had been a purchaser or encumbrancer for value without knowledge.

PART II

- A. General and Special Taxes for the fiscal year 1985-1986. A lien not yet payable.
- B. Any additional amounts of general and special taxes which may be assessed by reason of:
 - (a) Reappraisal of the property values as of March 1, 1975;
 - (b) Improvements added subsequent to March 1, 1975;
 - (c) Change of ownership subsequent to March 1, 1975;
 - (d) Any final judgment determining Article I3A as added to the Constitution of the State of California, being invalid, unconstitutional, or having been improperly applied.
- C. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 498, Statutes of 1983 of the State of California as amended.
- 1. An easement for private streets and incidental purposes as shown on the map of said Tract, along the Northwesterly 21 feet of said land.
- 2. Consideration of the second - 3. An easement for public utilities and incidental purposes as shown on the map of said Tract, along the Southeasterly 10 feet of said land.
- Covenants, conditions, restrictions, charges, assessments and other matters in an instrument recorded in Book 13713, Page 383, of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value.

The provisions, if any, of said instrument which provide restrictions based on race, color, religion or national origin are deleted.



32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 (949) 493-1171 (949) 493-1053 FAX WWW.Sanjuancapistrano,org



CONCULTENCE NOT BASED ON ANY POBLIC FARUT

MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO
DIANE BATHGATE
WYATT HART
JOE SOTO
DAVID M. SWERDLIN

June 6, 2006

Ahmed Abou-Abdou, P.E. Project Manager Department of Transportation District 12 3337 Michelson Drive Irvine, CA 92612-1699

STATED CONCULTANCE

Subject:

Consideration of Conceptual Design Alternatives with Respect to Sound Walls, Retaining Walls, and Landscaping Related to Caltrans' Proposed Widening of Ortega Highway (SR-74) from Calle Entradero to the Easterly City Limits (820.20)

Mr. Abou-Abdou:

This letter is in response to your correspondence to the City dated May 4, 2006 requesting City input on various design features for the Lower Ortega Widening Project. Thank you for the opportunity to provide input in the design of the project. On May 30, 2006, the City Council and Planning Commission of the City of San Juan Capistrano conducted a joint public workshop to review conceptual design alternatives related to Caltrans' proposed widening of Ortega Highway within the City. The proposed widening would extend from Calle Entradero easterly to a point about 0.4 miles east of Antonio Parkway/La Pata Avenue; however, the City has limited its review to that portion of the project located within the City's corporate limits.

In your letter you requested City concurrence on several aspects of the project design. At the May 30, 2006 joint workshop, the City Coupelly and Planning Commission discussed the following issues and gave direction to staff as described below:

- 1. The City Council and Planning Commission concurred with the Caltrans proposal for a 70'-0" wide geometric design section for the Calle Entradero-Avenida Siega road segment; the proposed 76'-0" wide geometric design section for the Avenida Siega-City limit road segment; and the proposal to reconstruct the existing eastbound, right-turn lane curb return and sidewalk at Via Cordova.
- Regarding signalized crossings on this portion of Ortega Highway, your letter proposed that Calle Entradero, Via Cordova, Via Crystal, Via Errecarte, and Avenida Siega would remain non-signalized and free of pedestrian crossings. The City Council and Planning Commission indicated that at least one signalized

San Juan Capistrano: Preserving the Past to Enhance the Future

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intersection and pedestrian/equestrian crossing is needed in this area, noting that the City would fund any traffic signal that did not meet established signal warrants.

- The City Council and Planning Commission concurred with the proposed emoval of the existing sidewalk along the north side of Ortega Highway between alle Entradero and Via Cordova, and with no proposed construction of new south side of the highway would remain and be extended east of Avenida Siega to the City limits. Although the Planning Commission and City Council concurred with the need for sidewalks on only the south side of the highway in this area, they reiterated the need for a future signalized pedestrian crossing.
- The City Council and Planning Commission concurred that sound walls on the south side of the highway should be designed to be aesthetically compatible with the scenic highway designation in the General Plan. Various materials were discussed, including glass and masonry block with sacked finish. General consensus was reached that more study of sound wall materials is needed to address both aesthetics and sound reduction (properties on the north side of aesthetic sound wall treatments/materials that exceed Caltrans standards. The avirous standards for both the direct traffic noise impacts to homes along the south side and (reflected noise) to homes along the north side of the highway.
- 5. The City Council indicated general consensus that the City is willing to fund maintenance of seasond walls or other sound walls that exceed Caltrans standards, provided that such materials can reduce sound deflection affecting residences on the north side of the highway.
- 6. The City Council and Planning Commission reached general consensus that for retaining walls on north side of Ortega Highway, faux rock is the preferred material, except that if the walls can be completely covered with landscape material such as vines, another material may be acceptable. A batter wall would be preferable to a vertical wall.
- 7. The City Council and Planning Commission directed that landscaping along the north side of Ortega Highway should consist primarily of drought tolerant, native or historical California plant materials. The City is open to funding any cost differential between this type of plant material and Caltrans standard planting plans.
- 8. The City Council indicated a general consensus that the City would agree to maintain all landscaping for the project located within City limits.

In addition to the above design-related issues for which Caltrans has sought concurrence, the City has identified the following issues which should be addressed.

- a. The design should clarify whether existing utilities will be under-grounded. The City recommends undergrounding of overhead utilities as part of the Ortega Highway widening project.
- b. The design, bidding and construction of the road improvements need to be coordinated with the City Water Department to accommodate installation of a 12-inch water line from Antonio Parkway to Toyon Drive, in order to avoid the need for subsequent road closures and trenching after the road widening project is completed. The City will use the same engineer (HDR) for design of the water line project as Caltrans is using for roadway design. The City requests that Caltrans integrate the City Water Department into the bidding and construction process, such that the plans and specifications for the water line are part of the same bid package as the road improvements, that the same contractor is awarded both projects, and that bid amounts for both components of the project are considered in the award of contract.
- c. The City needs an equestrian crossing of Ortega Highway to connect trail systems north and south of the highway. The City is currently evaluating the feasibility of using the La Novia signal to accommodate an equestrian crossing. However, the City wants to retain the future option to establish an equestrian crossing at Errecarte or Via Cristal.
- d. The preliminary design proposition in case the grade (steepness) of the Palm Hill. Drive access read from 16.7% to 22.0% and or the existing easterly private entrance from 15.0% to 21.1% These is the and proposed grades exceed the Palmet Govinty Fire Authority (DCFA) standard which we understand is a maximum 15.0% grade. The proposed street and driveway grades cannot exceed the existing grades where the existing grades already exceed to the standards to emergency vehicle and free apparatus.
- e. The City supports the provision of bicycle facilities in conformance with the Orange County Transportation Authority (OCTA) Commuter Bikeways Strategic Plan (CBSP).

The City Council and Planning Commission greatly appreciated the opportunity afforded by Caltrans to review the project, and provide recommendations to Caltrans for completing the design and environmental work for the Lower Ortega Widening Project. In particular, Mayor Swerdlin has asked that thanks be extended to District Director Cindy Quon and all members of the Caltrans staff involved in this project, for creating a process that invited City input on context sensitive design within San Juan Capistrano.

Please feel free to call me at (949) 443-6323 with any questions about this letter or the City's recommendations on the project.

Sincerely,

Planning Director

Cç:

Dave Adams, City Manager

William Huber, Assistant City Manager

Nasser Abbaszadeh, Engineering & Building Director

Brian Perry, Senior Civil Engineer

Alan Oswald, Senior Engineer-Traffic

William Ramsey, AICP, Principal Planner

Planning Commission

Ilse Byrnes, Parks, Recreation, & Equestrian Commissioner

Tony Soto, Transportation Commissioner

Reza Aurasteh, PhD, P.E., Caltrans, District 12

Milli Lim, P.E., Caltrans District 12

Deedee Martinez, L.A., Caltrans District 12

Jeff Thompson, Rancho Mission Viejo

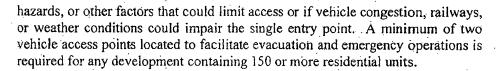
Laura Eisenberg, Rancho Mission Viejo

Bill Bennett, HDR, Engineering.

Mike Sweeny, L.A., Land Concern

Mike Sweeny, L.A., Land Concern Kathleen Brady, BonTerra Consulting — Jacked that 15 all shend d — 15 Clindy Krebs, BonTerra Consulting — No concept than





- 4) Location of Fire Access Roads To protect fire apparatus, personnel, and equipment from damage and injury from falling debris, the edge of fire access roadways serving multi-story buildings should be located no closer than 10 to 30 feet from the building, the actual distance being a function of overall building height with consideration given to building construction, presence of openings, and other potential hazards. As distances greater than 40 feet inhibit the use of vehicle-mounted ladders while distances closer than 20 feet do not allow for a proper laddering angle, the edge of fire lanes serving structures four or more stories in height shall be located between 20 and 40 feet from the building. These distances are measured from the face of the building to the top edge of the curb face or rolled curb flowline nearest the structure.
- 5) Width of Fire Access Roads The minimum width of a fire access roadway is 20 feet (28 feet in VHFHSZ or SFPA). If a center median is included, the required width shall be provided on both sides of the median. The width of fire department access roads is measured from top face of the curb to top face of the curb on streets with curbs and gutters, and from flowline to flowline on streets with rolled curbs. Flowline is the lowest continuous elevation on a rolled street curb.
- 6) Parking Restrictions No parking is permitted on streets narrower than 28 feet in width. Parking on one side is permitted on a roadway that is at least 28 feet but less than 36 feet in width. Parking on two sides is permitted on a roadway 36 feet or more in width. See Attachment 4. Note: Minimum street widths for allowed parking may be more restrictive in some cities. Check with the local Planning Department for specific requirements.
 - a) In VHFHSZ or SFPA, the minimum width of public and private streets shall not be less than 28 feet. Parking is allowed on one side of streets that are at least 28 but less than 36 feet in width. Exception: Private streets and driveways serving no more than three dwelling units and not exceeding 150 feet in length may be 24 feet in width. No parking is allowed on 24-foot wide roadways.
- 7) Vertical Clearance Fire access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. If trees are located adjacent to the fire access roadway, place a note on the plans stating that all vegetation overhanging the fire access roadway shall be maintained to provide a clear height of 13 feet 6 inches at all times. See Attachments 5 and 6.
- 8) Fire Access Road Grade The process of the City Engineer).

 The grade may be increased to a maximum of 15% of 8.5 degrees for approved







- ! Locations where local communities should protect future land development from becoming incompatible with anticipated highway noise levels.
- Information on the eligibility requirements for Federal-aid participation in Type II projects as described in paragraph 772.13b of 23 CFR 772 (see page 16).

HIGHWAY TRAFFIC NOISE ABATEMENT

Early in the planning stages of most highway improvements, highway agencies do a noise study. The purpose of this study is to determine if the project will create any noise problems. If the predicted noise levels cause an impact, the noise study must consider measures that can be taken to lessen these adverse noise impacts. There are a variety of things that a highway agency can do to lessen the impacts of highway traffic noise.

Some noise abatement measures that are possible include creating buffer zones, constructing barriers, planting vegetation, installing noise insulation in buildings, and managing traffic.

Noise Barriers

1. Technical Considerations and Barrier Effectiveness

Noise barriers are solid obstructions built between the highway and the homes along the highway. Effective noise barriers can reduce noise levels by 10 to 15 decibels, cutting the loudness of traffic noise in half. Barriers can be formed from earth mounds along the road (usually called earthberms) or from high, vertical walls. Earthberms have a very natural appearance and are usually attractive. However, an earthberm can require quite a lot of land if it is very high. Walls take less space. They are usually limited to 8 meters in height because of structural and aesthetic reasons. Noise walls can be built out of wood, stucco, concrete, masonry, metal, and other materials. Many attempts are being made to construct noise barriers that are visually pleasing and that blend in with their surroundings.

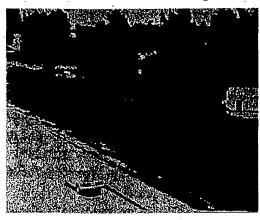
There are no Federal requirements or FHWA regulations related to the selection of material types to be used in the construction of highway traffic noise barriers. Individual SHAs select the material types to be used when building these barriers. The SHAs normally make this selection based on a number of factors such aesthetics, durability and maintenance, costs, public comments, etc. The FHWA does not specify the type of material that must be used for noise barrier construction, but the material type that is chosen must meet State specifications which have been approved by the FHWA. The material chosen should be rigid and of sufficient density (approximately 20 kilograms/square meter minimum) to provide a transmission loss of 10 dBA greater than the expected reduction in the noise diffracted over the top of the barrier.

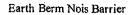
Noise barriers do have limitations. For a noise barrier to work, it must be high enough and long enough to block the view of a road. Noise barriers do very little good for homes on a hillside overlooking a road or for buildings which rise above the barrier. A noise barrier can achieve a 5 dB noise level reduction when it is tall enough to break the line-of-sight from the highway to the receiver and it can achieve an approximate 1.5 dB additional noise level reduction for each meter of height after it breaks the line-of-sight (with a maximum theoretical total reduction of 20 dBA). To avoid undesirable end effects, a good rule-of-thumb is that the barrier should extend 4 times as far in each direction as the distance from the receiver to the barrier.

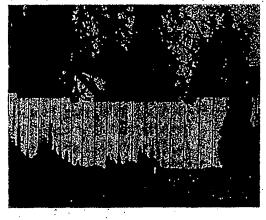
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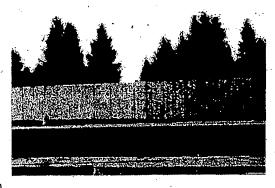
Figure 2: Noise Barrier Examples







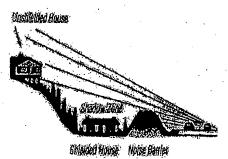
Wooden Noise Barrier



Concrete Noise Barrier with

Woodgrain Texture

Figure 3: Noise Barrier Shadow Zone



1. AFFECTED PROJECTS, REQUIREMENTS, AND ANALYSES

1.1 Affected Projects

Transportation projects affected by this Protocol are Transportation project is defined in 23 CFR 772 as follows. A proposed Federal or Federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway which significantly changes either the hore vertical alteration of the electric projects and adds the FHWA interpretation of the above definition.

1.2 Federal Requirements

1.2.1 National Environmental Policy Act (NEPA)

Under NEPA, impacts and measures to mitigate adverse impacts must be identified, including the identification of impacts for which no or only partial mitigation is possible.

The FHWA regulations in Sec. 1.2.2 constitute the Federal Noise Standard. Projects complying with this Standard are also in compliance with the requirements stemming from NEPA

1.2.2 Federal Highway Administration (FHWA) Regulations

Under FHWA regulations (23 CFR 772), noise abatement must be considered for Type I projects when the project results in a increase (see Section 2.4.1), or when the predicted noise levels approach or exceed the Noise Abatement Criteria (NAC) (see Section 2.4.2). Noise abatement measures which are reasonable and feasible and that are likely to be incorporated in the project, as well as noise impacts for which no apparent solution is available, must be identified and incorporated into the project's plans and specifications (23 CFR 772.11(e)(1) and (2)).

1.3 California Requirements

1.3.1 California Environmental Quality Act (CEQA)

Under CEQA, a substantial noise increase may result in a significant adverse environmental effect and, if so, must be mitigated or identified as a noise impact for which it is likely that no, or only partial abatement measures are available. Specific economic explanation measures technological conditions may make additional noise attenuation measures infeasible.

1.3.2 Streets and Highways Code, Section 216

If, as a result of a proposed freeway project, noise levels in classrooms of public or private elementary or secondary schools exceed 52 dBA, Leq(h) the Department shall provide noise abatement to reduce classroom noise to the criteria or below. If the classroom noise exceeds the criteria before and after

the freeway project, the Department shall provide noise abatement to reduce classroom noise to pre-project noise levels. The requirements are covered in the Streets and Highways Code, Section 216.

1.4 Analyses

1.4.1 Project Alternatives

The Protocol applies to the assessment and disclosure of potential impacts of project alternatives as identified within the scope of an Environmental Document as required by NEPA/CEQA. The results of the screening evaluation and further detailed studies should be incorporated into environmental documentation or used as part of a major investment study (MIS) as appropriate.

1.4.2. Timing

As part of the general environmental review process associated with all projects, project sponsors are required to evaluate if the predicted noise levels could result in traffic noise impacts (see Section 2.4), and if so, consider and implement noise abatement if feasible and reasonable. The process leading to a preliminary noise abatement decision (FHWA process) is contained in Section 2 and the results are reported in the draft environmental documentation as appropriate.

A noise impact resulting from a substantial noise increase may additionally increase may additionally to a noise abatement or mitigation decision for a significant environmental effect (CEQA process) is described in Section 3, and is also reported in the draft environmental documentation as appropriate.

4, occurs after the input from impacted residents and local agencies, and after consideration of social, economic, environmental, legal, and technological factors.

determine of a proposed transportation project is used to determine of the project, or if noise abatement should be the responsibility of local government agencies or private developers. The date of public knowledge shall be the date of approval of the first transportation document (e.g. a Record of Decision).

When traffic noise impacts (see Section 2.4) are predicted for undeveloped lands for which development is planned, designed and programmed before the date of public knowledge, noise abatement must be considered as part of the project. Development is considered planned, designed and programmed, on the date that a noise sensitive land-use (subdivision,



TRAFFIC NOISE ANALYSIS PROTOCOL For New Highway Construction Highway Reconstruction Projects October, 1998

residences, schools, churches, hospitals, libraries, etc.) has received final development approval (generally considered to be the issuance of a building permit) from the local agency with jurisdiction.

1.4.3 Project Re-analysis

Project noise impacts or consideration of abatement measures may have to be re-analyzed if one of the following occurs:

- a) There has been a significant change in project design concept and/or scope from that of the most recent environmental analysis, or
- b) A significant period of time has passed since the most recent environmental analysis, generally considered to be every between project milestones, e.g. Record of Decision to Right of Way Certification, or
- c) An undeveloped land becomes planned, designed and programmed, after the analysis, but before the date of public knowledge, or
- d) An undeveloped land becomes developed after the date of public knowledge (disclosure of impacts, if any, but abatement not considered).

1.4.4 Levels of Traffic Noise Analysis

All proposed projects affected by this Protocol should first be analyzed by using a screening procedure. The procedure is outlined Sec. 2.2, and detailed in TeNS Sec. N-4000.

If the project does not pass the screening procedure, a detailed analysis should be performed. The detailed analysis consists of two parts: 1) traffic noise impact analysis and, 2) preliminary noise abatement design. The procedures are outlined in Sec.'s 2.3 through 2.6, and are detailed in TeNS Sec.'s N-5000 and N-6000.

1.4.5 Construction Noise

Construction noise is only substantial in exceptional cases, such as pile driving and *crack and seat* pavement rehabilitation operations. Standard Specifications (Sections 7 and 42) and Standard Special Provisions provide limits on construction noise levels and are used as appropriate. Normally, construction noise levels should not exceed 86 dBA (L_{MAX}) at a distance of 15 m.

If construction noise on any highway project is anticipated to be a substantial problem, the following items should be examined during the project process:

- a) Land-uses or activities that may be affected by noise from construction of a project.
- b) Measures necessary to minimize or eliminate adverse construction noise impacts on the community that could be incorporated in the plans and specifications.



1.5 Liaison with Local Agencies

Cities and counties are required to adopt general plans of development for their communities that must include a noise element, which among other noise sources, considers the noise emanated from freeways and highways (CGC 65302). The noise element serves as a guide for establishing a pattern of landuse development to minimize the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans consider the exposure of community residents to excessive noise. Caltrans will provide local agencies with project noise studies. This may be accomplished via the Inter Governmental Review (IGR) process or by direct mailing.

In addition, some communities have established local noise ordinances to abate nuisance noise. Project contract specifications (standard or special provisions) provide that construction activities may be subject to local ordinances. Efforts should be made to determine the ordinances and to what degree they may or may not apply.

The likelihood that the area considered for noise abatement would change land-use designation within the life cycle of the project should be considered. Working with the local agency responsible for the land use designation (i.e., city or county) will determine if redevelopment of the subject area (e.g. residential to commercial) is a strong possibility. A written statement from the local agency should be obtained for documentation that redevelopment is likely. If the area is likely to be redeveloped, it may be prudent to defer construction of noise abatement until a final decision is known.



2. PRELIMINARY NOISE ABATEMENT DECISION (FHWA PROCESS)

For Type I projects traffic noise must be analyzed for all alternatives under consideration, and traffic noise impacts identified. If traffic noise impacts are identified, noise abatement must be considered, and feasible and reasonable abatement measures included in the draft environmental documentation. This preliminary noise abatement decision process is depicted in Figure 2-1. The individual components of this chart are discussed in the following subsections.

Type I Projects

A Type I project is defined by 23 CFR 772 as follows. A proposed Federal or Federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment, or increases the number of throughtraffic lanes. Caltrans extends the Type I definition in 23 CFR 772 to State highway projects without Federal funding.

FHWA and Caltrans interpretation of the above definition of Type I projects differ slightly. When there is no FHWA involvement (such as no federal funding or not on the National Highway System), "increases the number of continuous traffic lanes" refers to an increase in the basic number of continuous traffic lanes of the highway segment. The Caltrans interpretation of Type 1 Projects excludes lanes for parking, speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement and ramp widening projects. These projects, however, are still subject to the provisions of CEQA.

FHWA has clarified their interpretation as quoted from their Protocol comments and June 1995 Highway Traffic Noise Analysis and Abatement - Policy and Guidance: "...a Type I project is any project that has the potential to increase noise levels at adjacent receivers. Such a project specifically creates a totally new noise source, or increases the volume or speed of traffic or moves the traffic closer to the receivers...The addition of an interchange/ramp/auxiliary lane/truck-climbing lane, etc. to an existing highway is considered to be a Type I project. A project to widen an existing ramp by a full lane-width is also considered to be a Type I project...Similarly, the addition of high-occupancy vehicle (HOV) lanes to highways are also Type I projects, whether added in the median or on the outside of the existing highway of the though and what is a manufactured for both sides of the highway. Even when HOV lanes are only added on one side of the highway. Projects unrelated to increased noise levels, such as

lighting, signing, landscaping, etc., are not considered to be Type I projects."

Although a project may have mindly and the definition of a Type I project, it may still be treated as a Type I project in extremely rare instances. This occurs when the project itself is expected to raise traffic noise levels from a nonapproach-or-exceed level to an approach-or-exceed impact, or cause a substantial noise increase impact (see Sections 2.4.1 and 2.4.2). An example

to current proces and style Starles

2.5 School Classroom Noise Impact

A noise impact may also be found if as a result of a proposed *freeway* project, noise levels exceed 52 dBA, L_{eq}(h), within the interior of an existing public or private elementary, or secondary school. Refer to the provisions of the Streets and Highways Code, Section 216 for applicability. This requirement does not replace the approach or exceed NAC criterion for FHWA Activity Category E for classroom interiors (Section 2.4.2).

If a project results in an impact the Department shall provide noise abatement to reduce classroom noise to the criteria or below. If the classroom noise exceeds the criteria both before and after the freeway project, the Department shall at a minimum provide noise abatement to reduce classroom noise to preproject noise levels.

2.6 Preliminary Noise Abatement Design

If traffic noise impacts are predicted, noise abatement measures must be evaluated and considered (see Section 5.3). Preliminary noise abatement design includes acoustical considerations such as noise barrier heights, lengths, location, material, etc. These are discussed in TeNS Section N-6000.

2.7 Noise Abatement Feasibility

Feasibility is defined as an engineering consideration. A minimum of 5-dBA-noise reduction <u>must</u> be achieved at the impacted receivers in order for the proposed noise abatement measure to be considered feasible. The feasibility criterion is not necessarily a noise abatement design goal (see Section 5.2). Greater noise reductions are encouraged if they can be reasonably achieved. Feasibility may be restricted by: (1) topography; (2) access requirements for driveways, ramps, etc.; (3) the presence of local cross streets, (4) other noise sources in the area, and (5) safety considerations.

2.8 Noise Abatement Reasonableness

2.8.1 General

The determination of reasonableness of noise abatement is the determination of the stability. It implies that common sense and good judgment have been applied in arriving at a decision. There will be instances where noise abatement may be found reasonable even though it is outside the established bounds of reasonableness. The individual circumstances of each project and consideration of borderline cases should be part of the overall decision making process.

Noise abatement is only considered where noise impacts are predicted and where frequent human use occurs and a lowered noise level would be of benefit. Primary consideration will be given to exterior areas. In situations where no exterior activities are affected by the traffic noise, or where the



TRAFFIC NOISE ANALYSIS PROTOCOL For New Highway Construction Highway Reconstruction Projects October, 1998.

exterior activities are far from, or physically shielded from the roadway and therefore not impacted, the interior criterion (Category E in Table 2-1) shall be used as a basis for noise abatement consideration.

The overall reasonableness of noise abatement is determined by considering a multitude of factors including but not necessarily limited to the following:

- a) Cost of the abatement
- b) Absolute noise levels
- c) Change in noise levels
- d) Noise abatement benefits
- e) Pate of development at the distance of the language of the
- f) Life cycle of abatement measures
- g) Environmental impacts of abatement construction
- h Wasser Care Commence Sidents
- i) Input from the public and local agencies
- j) Social, economic, environmental, legal, and technological factors

The life cycle of the noise abatement (above factor (f)) is a consideration in the preliminary reasonableness decision. It is normally not reasonable to construct a wall where planned future use would limit its useful life to less than 15 years.

Normally, poise abstract the second floor level (Highway Design Manual Chapter 1100). However, noise abstract designed to provide 5 dBA for the second floor level without exceeding the modified allowance is within the scope of reasonableness.

The preliminary reasonableness decision is based on the above factors (a) through (f) as described in this section and the following Sections 2.8.2 and 2.8.3. The remaining factors are considered through the public input process described in Section 4. The environmental impacts of abatement construction are addressed in Section 3.

2.8.2 Preliminary Reasonableness Determination for Residential Areas in Activity Category B

The preliminary decision of providing noise abatement for exteriors of residential areas in activity category B (see Table 2-1) is made from a single dollar value, a reasonable allowance per benefited residence (see Section 7, Glossary) that embodies five reasonableness factors. If the abatement can be constructed for that amount, the preliminary reasonableness decision will be to provide abatement.

The preliminary reasonableness determination of providing noise abatement for exteriors of residential areas in activity category B (see Table 2-1) begins with a \$15,000 base allowance per benefited residence. The 1998 base year allowance is based on a noise barrier cost of \$151/m² (\$14/ft²), which includes costs of the wall, footings, traffic control, drainage, modifying or adding planting, miscellaneous items and a 10% contingency. A wall length,

TRAFFIC NOISE ANALYSIS PROTOCOL For New Highway Construction Highway Reconstruction Projects October, 1998

abatement. These areas will be treated the same as under (a) in this section with the same frontage units calculated for frontages of impacted areas of frequent human use and where a lowered noise level would be of benefit. This method preserves the same consideration of severity of impacts as in a) and Section 2.8.2.

c) Lands on which serenity and quiet are of extraordinary significance (Category A, Table 2-1) are rare, and reasonableness of noise abatement should be determined on a case-by-case basis.

In addition to the cost, factors that must be considered are:

- Importance with respect to public need
- Importance of the serene and quiet qualities with respect to the area's intended purpose
- Frequency of human use
- d) Noise abatement is normally not considered reasonable for commercial areas.
- e) Noise abatement is not considered reasonable for parking lots. These facilities are intended for transient use only.
- f) Reasonableness of noise abatement for residence interiors (Category E, Table 2-1) should be considered using the same factors as in Section 2.8.2, using exterior noise levels to determine the adjustment for absolute noise levels. For interiors of schools, churches, hospitals and other potentially sensitive buildings, the same factors as in (a) should be used to arrive at a preliminary reasonableness decision.

2.9 Preliminary Noise Abatement Decision and Reporting

After completing the preliminary noise abatement decision process depicted in flowchart 2.1, a decision is made based on the findings determined during the process. There are three possible outcomes:

- a) If the project is exempt from analysis per Section 2.1, or if there are no traffic noise impacts predicted, no further analysis is necessary. Report in the project's environmental documentation that no traffic noise impacts are predicted.
- b) If traffic noise impacts are predicted and the proposed noise abatement is feasible and reasonable, abatement will be recommended. The preliminary decision is reported in the applicable environmental documentation with the following cautionary note:

Based on the studie	s so far accomplished, Caltrans intends to
incorporate noise ab	atement measures in the form of (a) barrier(s
at:	,
with respective length	ths and average heights of:
	_ Calculations based on preliminary design
data indicate that th	e barrier(s) will reduce noise levels by 5 to



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___dBA for_____ residences at a cost of:______ If during final design conditions have substantially changed, noise barriers might not be provided. The final decision of the noise barriers will be made upon completion of the project design and the public involvement processes.

c) If traffic noise impacts are predicted, but the proposed noise abatement is not leasible and the commended with the recommended.

Report that traffic noise impacts exist for which no apparent solutions are available, the reasons why, and that the impacts will not cause a significant adverse environmental effect.

The process in Section 4 finalizes the preliminary decision. Procedures covered in Section 3 must first be followed before reporting the preliminary decision, if the potential exists for a significant adverse environmental impact due to either one or both of the following:

- Traffic noise impacts predicted in either (b) or (c) are due to substantial noise increases.
- The proposed noise abatement in (b) has a potential for a significant effect on a competing resource such as designeted scenic highways, scenic vistas historical sites, endangered species, etc.



3. PRELIMINARY NOISE ABATEMENT/MITIGATION DECISION (CEQA PROCESS)

This decision process examines whether the project or proposed abatement measures result in a significant adverse environmental effect. Either one or both of the following trigger this process:

- Traffic noise impacts predicted are due to substantial noise increases.
- Proposed noise abatement has a potential for a significant effect on a competing resource such as a designated scenic highway a an endangered species, etc.

Figure 3.1 shows both situations entering the flowchart. The process addresses requirements under the California Environmental Quality Act (CEQA).

3.1 Traffic Noise Impact Due To A Substantial Noise Increase

If the predicted traffic noise levels after the proposed project are expected to result in a substantial noise increase over the existing noise levels there is a potential for the proposed project to cause a significant adverse environmental effect due to noise. This will be evaluated in Section 3.2.

3.2 Does Project Result In A Significant Adverse Environmental Effect Due To Noise?

To determine if the substantial noise increase is a significant adverse environmental effect, consideration must be given to the context and intensity of the substantial noise increase. Context refers to the project setting and uniqueness, or sensitive nature of the noise receiver(s). Intensity refers to the project induced substantial noise increase, i.e. the increase over the "no-build" condition; it also refers to the number of residential units affected and to the absolute noise levels.

3.2.1 Regiect Results in A Significant Adverse Environmental Effect Dide To 1915

If the project-generated substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise increase is expected to cause a significant adverse environmental effect the procedures in the project substantial noise in the proje

3.2.2 Project Does Not Result in A Significant Adverse Environmental Effect Due To Noise

If the project-generated substantial noise increase does not cause a significant adverse environmental effect go to Section 3.5.



3.3 Preliminary Noise Mitigation Decision And Development Of An Overall Mitigation Plan

The traffic noise impact caused by the project is expected to be a significant adverse environmental effect, and mitigation must be considered under CEQA requirements.

It must be evaluated whether the proposed noise mitigation itself will result in a significant adverse environmental effect.

3.3.1 Noise Mitigation Does Not Result in Significant Adverse Environmental Effect

If the noise mitigation is not expected to cause a significant adverse environmental effect, report in the Draft Environmental Document that noise mitigation will be a condition of project approval. Include likely noise mitigation measures, general location and dimensions (height and length), noise reduction, and cost of the noise mitigation facility (e.g. noise barrier). Also identify significant adverse noise effects for which it is likely that no, or only partial mitigation measures are available, including specific economic, social, environmental, legal, and technological conditions which make infeasible additional noise mitigation measures. Go to Section 4 for the final mitigation decision.

3.3.2 Noise Mitigation Results in a Significant Adverse Environmental Effect

If the noise mitigation is expected to result in a significant adverse environmental effect (such as by causing a visual intrusion on a scenic highway, blocking resident's views, adverse effects on historical sites, etc.), an overall mitigation plan must be developed. The plan should include consideration of competing environmental resources. To accomplish this, sufficient information regarding the physical characteristics, benefits, and detriments of the proposed mitigation is necessary so that it can be balanced against the affected resource(s).

3.4 The Proposed Noise Abatement Has Potential For A Significant Effect On Competing Resource(s)

In Section 2.9 it was determined that, although the project-generated noise increase was not substantial, the proposed noise abatement has a potential for a significant effect on a competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource and the competing bickways, scenic vistas, instructions of the competing resource and the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource such as designated scenic bickways, scenic vistas, instructions of the competing resource scene and the competi

3.5 Does Noise Abatement Significantly Affect Another Resource, Resulting In A Significant Adverse Environmental Effect?

If the project-generated noise does not cause a significant adverse environmental effect and proposed noise abatement may negatively affect one or more competing resources such as designated scenic highways, scenic



vistas, historical sites, endangered species, the abatement itself may cause a significant adverse environmental effect.

As was the case with the substantial noise increase (Section 3.2), the significance of the effect must be evaluated in terms of the context and intensity. In this case, the context of the noise abatement (e.g. noise barrier) refers the noise abatement (e.g. noise barrier) whether it locks he views of the amount of resource users are

affected and the extent of the detrimental affects of the abatement (such as shape, redirecting airflow, changes in microclimate and temperature, or other environmental effects)

3.5.1 Noise Abatement Does Not Result in a Significant Adverse Environmental Effect

If the proposed noise abatement itself does not affect any other resources go to Section 4.

3.5.2 Noise Abatement Results in a Significant Adverse Environmental Effect

If the noise abatement is expected to result in a significant adverse environmental effect (such as by causing a visual intrusion on a bighway to see the search of the second section 3.6.

3.6 Preliminary Noise Abatement Decision And Development Of An Overall Mitigation Plan

An overall mitigation plan must be developed and reported in the Environmental Documents Sets 2 for reporting requirements). The plan should include consideration of competing environmental resources. To accomplish this, sufficient information regarding the physical characteristics, benefits, and detriments of the proposed mitigation is necessary so that it can be balanced against the affected resource(s). Go to Section 4 for the final abatement decision.



4. FINAL NOISE ABATEMENT/MITIGATION DECISION (FHWA AND **CEQA PROCESS)**

The flow chart in Figure 4-1 shows the process of reporting the preliminary noise abatement/mitigation decision and soliciting public input, including the views of impacted residents, local agencies, social, economic, environmental, legal, and technological factors. The preliminary decision and the public input process form the basis for the final noise abatement/mitigation decision.

4.1 **Environmental Documentation**

The appropriate environmental documentation (e.g. Draft Environmental Impact Statement, Draft Negative Declaration etc.) serves as a vehicle to circulate the preliminary noise abatement/mitigation decision. If noise abatement/mitigation is proposed the design is based on preliminary project alignments and profiles, which may be subject to change. The document should report that the physical characteristics of the abatement/mitigation (e.g. length, height, location and material of noise barrier) are preliminary and should be accompanied with a statement such as the following:

If pertinent parameters change substantially during the final project design, the preliminary noise abatement/mitigation design may be changed or eliminated from the final project design. A final decision of the construction of the noise abatement/mitigation will be made upon completion of the project desian.

If the project will have a significant adverse environmental effect due to noise, the proposed noise abatement measure is called noise mitigation. Otherwise, it should be referred to as noise abatement.

4.2 Public Input Process mayor the white a gar of the Views (i.e. opinions) of the impacted residents will be a major consideration in chicken final decision on the reasonableness of abatement measures to be provided. The opinions of these residents should be obtained through public hearings, community meetings or other means as appropriate. Use of visual simulations to show impacts created by barriers is recommended.

Public hearings and community meetings also serve as a vehicle for other members of the community, and local agencies. The latter must be consulted on newly approved developments, planned, designed and programmed (see Section 1.4.2).

Final Noise Abatement Decision And Final Environmental Document 4.3

The final noise abatement decision is a product of public input as well as the preliminary noise abatement decision. It is a component of the project's overall environmental decision making process.

275 algorities

TRAFFIC NOISE ANALYSIS PROTOCOL For New Highway Construction Highway Reconstruction Projects October, 1998

Although the Defendance of the decision, the decision maker has an obligation to belonce a variety of public objectives. These include specific economic, cirvironnelital, social, legal, and technological factors of the impacted residents.

If noise abatement is proposed, consideration must be given to the opinions of the adjacent resident owners, such as whether they favor the construction of the proposed noise abatement facilities, materials to be used, final appearance, etc. In the case of rental or leased property, the owners' opinion are superior to that of the residents.

Noise abatement will not be provided if 50% or more of the affected residents do to the considered regarding the heights of proposed noise barriers. If the majority of those residents object to a proposed height, the barrier may be constructed at lower height under certain conditions. The affected residents should be informed of the proposed height of the noise barrier determined necessary by noise analysis. If they request a lower noise barrier, the shorter height may be constructed if it still will reduce the noise by a minimum of 5 dBA. The final abatement decision is reflected in the Final Environmental Document.

If the reported preliminary chateneers in the action design than the property of the Final Environmental Document, a project reanalysis may be necessary (Section 1.4.3)

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DEPARTMENT OF TRANSPORTATION

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Ms. Molly Bogh, Planning Director City of San Juan Capistrano 32400 Pasco Adelanto San Juan Capistrano, CA 92675

Subject:

Lower Ortega Highway Widening Project (EA 12-086900)

Sound Wall Type

Dear Ms. Bogh:

As you are aware, the Department conducted a sound wall survey for the Lower Ortega Highway widening project in May 2006. We are pleased to inform you that the results of the sound wall surveys have been compiled and analyzed. Over 84% of the respondents are in favor of sound walls. In regards to the type of sound walls, 13% preferred glass walls, 19% preferred concrete walls, and 68% indicated no preference. See Exercise favor of the sound walls, the project is required to have sound walls in accordance with the Department's noise afterward protocol. Additionally, to comply with the desire of the residents, the walls should be made of concrete or non-transparent material.

in your letter dated June 6, 2006, Paragraph 4 states that "...nucre study of sound wall-materials is needed to address both aesthetics and sound reduction (including sound deflection to properties on the north side of Ortega Highway) and acknowledging the City's willingness to fund the cost of aesthetic sound wall treatments/materials that exceed Caltrans standards..." Paragraph 5 further states that "...the City is willing to fund maintenance of glass sound walls or other sound walls that exceed Caltrans simpleds, provided that such materials are reduced sound deflection affecting residences on the north side of the highway."

In response to your concerns in aesthetics and sound deflection, we have identified two sound absorbing wall systems for your consideration: QUILITE® Noise Barriers, , and Sound Fighter® LSE Noise Barrier Wall System. These products are among the Department's current list of pre-qualified sound wall systems. The construction details for the specific project application need to be reviewed and approved by the Department's Office of Structure Design.

Among the two products listed, Sound Fighter® LSE Noise Barrier has the best sound absorbing capability; (According to the manufacturer, it has a very high absorptive value and it weighs approximately 5.0 lbs./sqft). QUILITE® weighs approximately 6 lb./sqft, but is not a transparent wall. Both systems require some additional structural support. Additional structural support requirements may result in more construction impacts to the south side parkway. Among the two types of walls, only QUILITE® allows natural light penetration and the manufacturer claims that it reduces reflected noise by more than 60%. Attached please see some sample applications of these sound wall systems. More detailed information on these walls can be found on the following web sites.

www.quilite.com/highway.himl and www.soundfighter.com/wall.htm

Please note that reflective noise reductions indicated here are the property and the reflective noise reductions indicated here are the reductions are the reductions and the reductions are the reduction
The following are two other pre-qualified noise barrier systems web sites. These are sound barriers and not sound absorption type.

Carsonite Sound Barrier can be found @ http://www.carsonite.com/

Port-o-Wall System Sound wall can be found @ www.port-o-wall.com

The web site for Pre-qualified Paraglas material is http://www.paraglassoundstop.com This material is transparent but does not reduce reflected noise.

Since these sound walls will be located within right of way under City jurisdiction, the Department will also be willing to support other wall type that City determines feasible provided that it meets all Department requirements for noise attenuation, and is approved by Caltrans structural engineers. However, the height and length of the walls have already been established to be 14' for sound wall No. 1, 16' for the sound wall No. 2, and 16' for soundwall No. 3, according to the July 20, 2006 memorandum from Caltrans' Environmental Engineering (copy attached).

In relation to the sound wall material, the sound wall survey reflects the desire of the respondents. According to the survey, more people prefer a concrete wall versus a transparent wall. As such if the City prefers transparent wall, we suggest that the City contact those residents. Caltrans will be happy to provide the address of property owners who prefer concrete wall.

As you are aware, this project is progressing on an accelerated basis. The following item need to be addressed in order for the project to prosecute as placed:

1) City needs to notify the Department in writing its selection of the sound wall type and aesthetic treatment by September 29, 2006.

Thank you for your support on this important project. Should you have further questions, please feel free to contact me at (949) 724-2768.

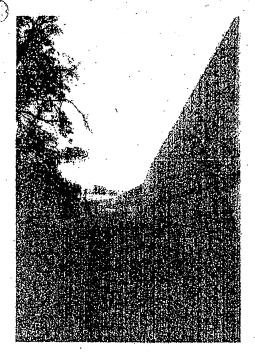
Sincerely,

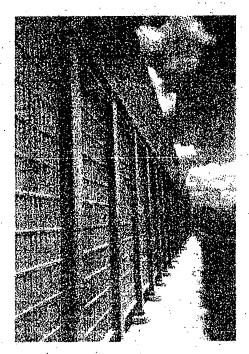
Ahmed Abou-Abdou, PE, PMP Project Manager Caltrans, District 12

William Ruber, Guy of SIC Harry Persaud, County of Orange

(N2)

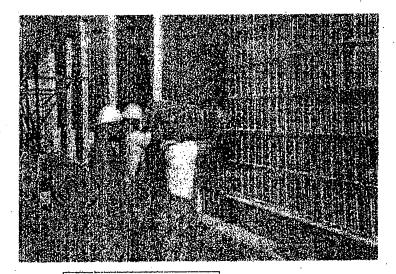
Sound Fighter® LSE Noise Barrier Wall System





I-49 Shreveport, LA

l-10 Baton Rouge, LA



1-10 Installation Baton Rouge, LA

Source: http://www.soundfighter.com/Walls_gallery.aspx



Memorandum

To: Mili S. Lim, Chief Design Branch A

File No.: 12-ORA-74 KP: 1.7/4.8 (PM 1.0/30)

EA: 086900

From: Reza Aurausteh, Chief

ENVIRONMENTAL ENGINEERING BRANCH

Subject: Soundwall Survey Results.

Reference: SR-74 Sound Wall Survey Results Prepared by Bonterra, dated June 2006.

Department Traffic Noise Analysis Protocol, the Divirend that the survey of the Survey of the residents in the area of each proposed sound walls, affected by traffic noise are in favor of building sound walls. The following summarizes the result of the survey for each sound wall.

Sound Wall Number One- This sound wall should be built as a 14-foot wall with concrete blocks. Most respondents have no preference for either a concrete or transparent wall. Among people who have preference, a high majority prefers a concrete wall.

Sound Wall Number Two- This wall should be built as a 16-foot wall with concrete blocks. Most respondents have no preference for either a concrete or transparent wall. Among people who have a preference, a slight majority prefers a concrete wall.

Sound Wall Number Three- This wall should be built as a 16-foot wall with concrete blocks. Most respondents have no preference for either a concrete or transparent wall. Among people who have a preference, a majority prefers a concert wall.

If sound wall number two (2) and three (3) can not be built as 16-foot high wall due to safety or design constraints, then they should be built as 14'-foot high walls instead.

This memorandum concludes the survey and the information are provided for the design.

If the project engineer has to make changes to the height, length, or top of the wall elevations, concurrence must be obtained from the manual propriate transfer.



If you have any questions please feel free to call No. 2012 April
Sincerely

Original signed by

Reza Aurastch, Ph.D., P.E., Chief Branch Chief, Environmental Engineering

C: Sylvia Vega, Office Chief of Environmental Plannig Ahmed Abou- Abdou-PM Leha Tran, Design Branch A Lan Saadamejadi, HDR David Yaghoubi, Environmental Engineering



Lead - Control Drawles To SHOW (NOT INVITED TO SHOW

1. What is the status of the Ortega widening project?

County of Orange is the lead agency on this project currently. Consultants are working on the environmental document which will be circulated in March 2007.

What parts of the Ortega would be affected?The project limits in SJC are from Calle Entradero to easterly City limits.

3. Are there options regarding any widening on the north side that might alleviate taking some trees and the sidewalk...eg. if curbs were to be added, would that change the width of the widening and thus not require that the sidewalk be removed?

4. Can the widening of the Ortega only be concentrated on the area east of where it parrows to a single lane thence up to La Pata?

5. Will sidewalks be added on the north side for the safety of children walking to the new high school?

- 6. What is the status of the installation of soundwalls on the south side of the Ortega? Sound walls are part of the overall design for the widening project currently. The environmental review process, based on comments received, may have an impact on the likelihood of constructing them or the types of materials used.
 - 7. What steps are being taken to alleviate sound reverberation from the sound walls on the south side of the Ortega to the properties on the north side of the Ortega? What specific dba levels might residents be faced with in such years as 2008, 2013, 2020, 2030?

CalTrate has completed sound analysis for the oxides and third sales that the widening will not not easier the cound levels of the horizing of Oriega Highway, now of in the acting the country of the co

8. When is an environmental impact study on these proposed changes going to finalized and available for review?

For widening, in March 2007; for the Interchange, June/July 2007.

9. What is the status of the interchange project for the Ortega and the I-5? Currently technical studies are being conducted for the EIR and the draft document will be circulated in June or July 2007.

10. Can the City pressure CalTrans to use other interchange points to try to minimize traffic congestion on the Ortega?

There are future plans for improvements at J-Serra and Camino Capistrano/Valle Road interchange improvements. Those improvements, however, don't preclude necessary upgrades at Ortega Interchange.

11. Is the City planning on any public forums to discuss all these issues in the near future?

Both environmental documents will be reviewed by the City Council and the public will be invited to comment. While exact dates are not known currently, spring and summer of 2007 are the approximate times when both projects will be under review. Please indicate your names and addresses, if interested, for future notifications.

Page 2

Chair Brutocao thanked absent former Commissioners Beeman, Smith, and Kramer for their tenure on this Commission, as well as their insight, humor, and dedication.

D. ORAL COMMUNICATIONS - None

E. MINUTES

1. Minutes of the Meeting of January 11, 2006

There being no other Commissioners present who attended the meeting, Commissioner Brutocao received and filed the minutes of the meeting of January 11, 2006, with the following revisions:

Page 2, before the start of the 4th paragraph, insert "Following discussion, Alan Oswald advised Commissioner Brutocao that it was Commissioner Brutocao's decision but, in Mr. Oswald's opinion as to the technical requirements, his volunteerism at the school did not appear to create a conflict of interest requiring him to recuse himself from considering this project."

Page 2, paragraph 8, after "exiting the parking lot", insert "and the significant visual impediments caused by the bend in the road and grade change,"

Page 2, 3rd paragraph from bottom of page, add to end of paragraph, "In addition, the Commissioners suggested traffic calming measures be considered for the area."

Page 2, 2nd paragraph from bottom of page, replace "Mr. Oswald said they could." with "Mr. Oswald replied that SJHS has the option of funding and installing the sign themselves, as it is unlikely the sign would be installed at City expense in the near future."

2. Minutes of the Meeting of February 8, 2006

There being no other Commissioners present who attended the meeting, Commissioner Soto received and filed the minutes of the meeting of February 8, 2006, as presented.

F. CITY COUNCIL/PLANNING COMMISSION MEETING REPORTS

Commercioner sologichem statism (Issubergattentiling the widening of Ortega: Highway. He discussed alternatives currently being considered by Calhans, staffs preferences, and site restraints. He has



Transportation Commission Minutes February 8, 2006 Page 4

Public Testimony:

Larry Anderson, 30971 Via Estanaga, complained about cars speeding through his residential neighborhood in order to bypass peak hour traffic on Ortega Highway. The cars speed through the residential streets, ignoring the 25 mph speed limit, creating dangerous situations for homeowners and children. In addition, it is very difficult to make a left on Ortega Highway when he is exiting his tract due to heavy traffic on Ortega. He noted that many accidents occur on Ortega due to heavy traffic, speeding, and access issues.

There being no other speakers, Chair Morton closed the public hearing.

The Commissioners agreed with staff that traffic calming measures suggested by Pastor Yeomans were unwarranted and asked staff to add Calle Arroyo, and the streets used to bypass Ortega traffic, to the radar trailer schedule. In addition, they asked staff to forward the speeding concerns to police services for random traffic enforcement, during peak hours, to ticket the offenders. Continued use of these measures will retrain the public to be more aware of the speed limits.

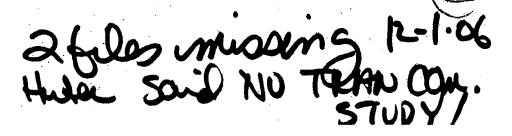
Commission Action: Moved by Chair Smith, seconded by Commissioner Soto, and carried unanimously, 3-0, to deny the speed humps, signage, and marked crosswalk for this section of Calle Arroyo between Calle Del Camp and Via Sonora; request that staff schedule the areas of concern for radar trailers and random traffic enforcement.

I. STAFF/COMMISSION COMMENTS

Commissioner Soto reported on the Commission. Ilsa Barnes of the Parks Recreation and Equasional Commission, and staff to provide City of San Juan Capistrano input to CalTrans regarding the widening of Ortega Highway. In lieu of the sound walls on each side of the street recommended by CalTrans, their group is suggesting alternative measures such as sound walls on only one side of the street, glass walls so residents do not lose the light in the their yards, reimbursement to install double pane windows, staggering of the walls with plantings, and a planted median down the middle of the roadway. He will keep the Commission undated on the progress of the ad-hoc group.

Commissioner Kramer announced that he has not reapplied for this Commission as he will be taking over the office of Rotary President in July, with meetings on the same night as the Transportation Commission. He has applied for Planning Commission, and will consider reapplying for the Transportation Commission once his tenure as Rotary President is over:

J. ADJOURNMENT





Preserving the Past, to Echance the Future

Meeting Agendas & Minutes

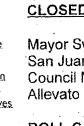
MINUTES

V 100 / 16 2005

SAN JUAN CAPISTRANOCITY COUNCIL REGULAR MEETING

CITY GOVERNMENT

Agendas & Minutes
Words from the Mayor
About the Mayor
City Council
Commissions &
Committees
Northwest Area
Strategies Committee
Departments
Directions to San Juan
Capistrano's City Hall
Fiected Representatives
City Clerk
Elections and Voting
Municipal Code



CLOSED SESSION (610.85) - None

Mayor Swerdlin called the regular meeting of the City Council of the City of San Juan Capistrano to order at 7:01 p.m. in the City Council Chamber. Council Member Soto ied the Pledge of Allegiance and Council Member Allevato gave the invocation.

ROLL CALL

COUNCIL MEMBERS PRESENT: Wyatt Hart, Diane Bathgate, Joe Soto, Mayor pro tem Sam Allevato, and Mayor David M. Swerdlin.

COUNCIL MEMBERS ABSENT: None:

STAFF PRESENT: Dave Adams, City Manager; John Shaw, City Attorney; Jaria Guevara, Deputy City Clerk; William M. Huber, Assistant City Manager; Jynthia L. Russell, Administrative Services Director; Lt. Mike Betzler, Chief of Police Services; Molly Bogh, Planning Director; Nasser Abbaszadeh, Engineering & Building Director; Karen Crocker, Community Services Director; Teri Delcamp, Historic Preservation Manager; Lynnette Adolphson, Management Analyst II; and Eileen White, Recording Secretary



Resource Links

ANNOUNCEMENT OF CLOSED SESSION ACTIONS - None

CITY COUNCIL COMMENTS AND ORAL REPORTS

Commission Meeting and reported increased dumping fees at the landfill to meet recycling goals. He also attended a County Public Library Committee meeting at which a \$36 million budget was approved.

Council Member Bathgate reported attendance at a South Orange County Wastewater Authority meeting.

Mayor pro tem Allevato reported meeting with Randow Vision


Preserving the Past, to Enhance the Future

Meeting Agendas & Minutes

MINUTES

MAY 30, 2006

CITY OF SAN JUAN CAPISTRANO

CITY COUNCIL AND PLANNING COMMISSION JOINT MEETING

CLOSED SESSION (610.85) - None

Mayor Swerdlin called the joint meeting of the City Council and Planning Commission of the City of San Juan Capistrano to order at 7:02 p.m. in the City Council Chamber. Council Member Soto led the Pledge of Allegiance and Council Member Allevato gave the invocation.

ROLL CALL

COUNCIL MEMBERS PRESENT: Diane Bathgate, Joe Soto, Mayor pro tem Sam Allevato, and Mayor David M. Swerdlin.

COUNCIL MEMBERS ABSENT: Wyait Hart

PLANNING COMMISSIONERS PRESENT: Joe Drey, Tim Neely, Gene Ratcliff (7:20 arrival), Vice Chairman Sheldon Cohen, and Chairman Robert Cordoza

PLANNING COMMISSIONERS ABSENT: None

STAFF PRESENT: Dave Adams, City Manager; Meg Monahan, City Clerk; William M. Huber, Assistant City Manager; Molly Bogh, Planning Director; Nasser Abbaszadeh, Engineering and Building Director; William Ramsey, Principal Planner; and Eileen White, Recording Secretary

ORAL COMMUNICATIONS - None

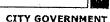
DISCUSSION ITEMS

1. CONCEPTUAL DESIGN ALTERNATIVES RELATED TO CALTRANS' RROPOSED WIDENING OF ORTEGA HIGHWAY (SR-74) PRESENTED AND GENERAL CONSENSUS ESTABLISHED. (820.20)

Council Member, Bathgate recused herself from considering this item due to the proposed project and left Council.

Chamber

<u>Description</u>: The California Department of Transportation (Caltrans) has proposed to widen Ortega Highway (SR-74), which is designated as a scenic



Agendas & Minutes

Words from the Mayor

About the Mayor

City Council

Commissions & Committees

Northwest Area

Strategies Committee

Departments

<u>Directions to San Juan</u> <u>Capistrano's City Hall</u>

Elected Representatives

City Clerk

Elections and Voting Municipal Code

Resource Links





Chairman Cardoza said that some of the trees on Ortega Highway in the Rancho Viejo area have been brutally trimmed.

Chairman Caldoza asked when the Joint Sity Council and Planning

(Intrinsion meeting would be held. Mr. Ramsey said the meeting date will be sonfirmed two weeks before the meeting. Ms. Both said the main agenda liem is the Ortega Widening Project and to give Caltrans input on the sound walls and retaining walls; and that information would be provided to the sanning Commission and City Council prior to the meeting.

WHY NO PUBLIC WORKSHOPS 8K

ADJOURNMENT

How can public input be given

There being no further business before the Commission, the meeting was adjourned at 8:35 p.m.

The next regular meeting is scheduled for Tuesday 19, 2006, at 7,00 p.m. in the Council Chambers.

Approved:

Molly Bogh, Planning Director

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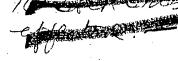
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intercept noise emitted from the exhaust stack of trucks. For design purposes, the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor. The truck stack height is assumed to be 3.5 m above the pavement. The receptor is assumed to be 1.5 m above the ground and located 1.5 m from the living unit nearest the roadway. If this location is not representative of potential outdoor activities, then another appropriate location should be justified in the noise study report.

- (4) Two-story Development. The noise barrier should not be designed to shield the second story of two-story residences unless it provides attenuation for a substantial number of residences at a reasonable increase in cost. If the noise barrier is extended in height to provide second story attenuation, this attenuation is to be at least decides.
 - requently, noise barriers are constructed to shield noise receivers on both sides of a highway. These are referred to as parallel barriers. If the barrier surfaces are hard, relatively smooth, and non porous, such as concrete or masonry surfaces, the barriers can reflect noise back and forth between the barriers, decreasing their effectiveness. research, performed by California and California a width to avoid a first of perceptible reduction. The width is the distance between the two barriers, and the height is the average height of both barriers with reference to the roadway elevation. For example, two parallel barriers, one 3 m, the other 4 m high, should be separated by at least 35 m to avoid noticeable degradation a performance. A perceptible, or noticeable decrease in performance is defined as a reduction of 3 dBA or more in barrier attenation.

1102.4 Noise Barrier Length

(1) General. Careful attention should be given to the length of a noise barrier to assure that it provides adequate attenuation for the end dwelling. The Caltrans Environmental Handbook provides guidance on

determining

When appropriate, consideration should be given to terminating the noise barrier with a section of the barrier perpendicular to the freeway. This could reduce the overall barrier length, but may require an easement or acquisition from the property owner to permit construction of the noise barrier off the right of way.

- (2) Gap Closures. In some cases, short gaps may exist between areas qualifying for a noise barrier. The closure of these gaps should be considered on a project by project basis and be justified in the Project Report.
- (3) Local Street Connections. At on- and offramp connections to local streets, the Department's responsibility for noise abatement should be limited to areas where the traffic noise level from the State highway is the predominant noise source.
- (4) Barrier Overlaps. When the noise barrier has overlapping sections, such as when concealing an access opening, the walls must be overlapped a minimum of 2.5 to 3 times the offset distance in order to maintain the integrity of the sound attenuation.

1102.5 Alternative Noise Barrier Designs

(1) General. Every noise barrier that is constructed as a part of new highway construction or reconstruction, or along freeways as a part of the Community and School Noise Abatement Programs, requires at least two alternative designs included in the contract plans. Selection of the most cost-effective and aesthetically pleasing designs should include an analysis of their life-cycle costs. The Project Development Procedures Manual discusses cost analysis of noise barriers.

Standard sheets for noise barriers (sound walls) developed by the Office of Structure Design have been furnished to the Districts. These standard designs include the following materials:

- Masonry block.
- Precast concrete panel (with post or mounted on safety shaped barrier).



Public Comments

AREA I- Sound wall & street widening Location: Calle Entradero to Via Cordova Solution: re-stripe lanes, leave this area unaffected. No sound wall. No widening.

Widening to La Pata from Via Cordova (east) was the intended street, not Calle Entradero. Attachments Illustrate Area I was never the intended area for widening WIDENING AREA I (HUNT CLUB)

> Documents refer to widening project as going from 2 to 4 lanes. Area in front of Hunt Club is already 4 lanes, (with restriping), which includes a center lane for turns.

Attachments proving widening were not intended in front of Hunt Club: (Source)

A. 12-14-99 San Juan General plan B. 4-26-04 SOCTIP EIS/SEIR Master plan arterial liwy Bill Huber media release city of San Juan C. 5-04 D. 8-24-04 Mayor Soto letter to Pat Bates E. 6-06 O.C. planning dept., chp.3,4-1 page 17 F. current Caitrans SR-74 STIP2006 Map (enlarged)

F-2 5-06 excerpt from co-op agreement with SJC & cultrans describing area in front of

Hunt Club as consistent with 4 lanes from fwy to Via Cordova.

Width of said street area is already consistent with street width, west of Calle Entradero. Caltrans requests 70 feet wide, (already conforms)

SAFETY ISSUES AREA I (HUNT CLUB)

SJC municipal code requires sidewalk adjacent to residential development. Widening would remove sidewalk in its entirety. New school is opening east of community, requiring sidewalks to ensure safe passage for our children.

SJC municipal code requires setback for ingress/egress of equestrian trail. Proposed plan entails complete removal of the safety buffer & sidewalk. San Juan municipal code requires minimum 15' buffer zone from outer edge of horse trail, plus additional 10' area for sidewalk.

Attachments proving widening are contrary to safety: (Source)

G. 12-14-99 S.J. general plan page 9 neighborhood safety

H. Section 9.4.327 setback/buffer for scenic hwy/equestrian trail/adjacent to residential development

Safety issue not addressed with regard to entry gates. Stacking out onto Ortega from Hunt Club entry areas are guaranteed if widening results. Entrances are currently too small, further reduction in depth guarantees tragic results. Gates cannot be moved in, as they would encroach upon private property. Entry gates were designed and approved with this right of way area incorporated to allow for safe turnarounds.

Removal of street lighting. Lighting cannot be placed on privately owned equestrian trail. Hunt Club has no interior streetlights, absent lighting on the highway would create hazardous conditions for entry/exit of

• Caltrans request widening due to need of a shoulder (per city statement), suggestive of a freeway. Documents don't suggest this was Caltrans idea. Shoulder does not need to be at this exact location, if even needed. Disingenuous. Safety concern should be for our equestrians and children.

Sidewalk area right of way is in the jurisdiction of the City of San Juan

Aesthetic Issues

- Widening will remove over two dozen mature trees, meandering sidewalk & manicured grass. General plan directs development throughout SJC to conform with the aforementioned sidewalk configuration as it currently stands fronting the Hunt Club. Scenic corridor is entirely negated through removal of this beautiful landscaping.
- Massive 16-18'soundwalls on south side ruin scenic beauty, cast shadows on nearby homes, would require removal of additional existing landscaping.
- Property values will suffer most by homes in vicinity of sound walls, but
 declining property values will be felt throughout the city as it loses it rural
 character and charm.
- Survey results, (challengeable) state sound walls are to be made of concrete block, photos of examples are extremely ugly.
- City has agreed that our tax dollars will be spent to maintain the graffiti inducing sound walls and all associated landscaping
- Rubberized asphalt would not be paid for by Caltrans as they have not approved it for noise mitigation. Further, they state it only has a life of 5-6 years and then becomes worse than it originally was. City taxpayers will be stuck with repavement as well.

Legal & ethical challenges Sound Wall Area I

I received some of the records requested from Public records act recently. On my first request 12-1-06, 2 files were missing and one file, entitled 2004 Ortega Widening had only I page. (Ms. Monahan was not in that day)

Agenda report 5-30-06 from Bill Ramsey & Molly Bogh: Attachment (I)(21 pages)

Issues include asking for concurrence prior to any public input(I-1).

- Rancho Mission Viejo in cooperation with Caltrans is preparing preliminary design plans for the widening. RMV design landscape consultant was used for our city's "design". Several meetings took place between city, county, RMV and Caltrans in 2005, none with public input(I-2).
- Our city worked with RMV to create a "uniform theme for the Ortega corridor from I-5 to LaPata". Adhoc committee was formed, contrary to assertion from Mr. Huber that transportation Commission never looked at this issue. Adhoc composed of transportation, planning, design review, & heritage commissioners(I-3).
- Caltrans letter to Dave Adams May 4, 2006, requested concurrence of eliminating sidewalk on North side and maintaining existing 5 intersection within the city as non-signalized and free of pedestrian crossing. This would enable Ortega to be a speeding corridor.(I-4)
- City addressed (OCFA) standards and stated the grades cannot exceed existing grades that currently exceed OCFA standards. 10% is the max. per OCFA yet they are proposing grades going to 23%. No mention of how dangerous this would be and contrary to code. (1-8)
- Predetermined issues where Caltrans wanted concurrence (I-10)
- Letter from Caltrans dated 5-4-06 to Dave Adams, c.c. Huber, where they stated: "acceptance of the proposal by the community would be required" (I-14)
- Elimination of sidewalk from Calle Entradero to Via Cordova was to <u>OBTAIN A LETTER OF SUPPORT FROM THE HUNT CLUB FOR THE SIDEWALK ELIMINATION</u>. Further went on to state that the privately owned equestrian trail will remain in place and may be used as <u>a multi purpose trail</u>. (I-16)

Hunt Club was <u>NEVER</u> made aware of this, nor were we ever asked for a letter of support. I was the one who informed our Association that according to my letter it appeared they wanted to widen in front of the Hunt Club. After numerous calls and conflicting information, I was able to conclude this was fact, whereby, our association asked me to put up signs at our guard gates so that others could appear at the info meeting to object. (personal emails proving this may be provided) Numerous objections raised at council meeting of 5-30-06.

Our equestrian trails are privately owned with an "equestrian easement".
 They are not for multi-purpose. Regardless of what city may want to call them, my documents state the easement is for "equestrian purposes" not multi-purpose (J)

- Decision was made without public input concurrence. The concurrence is only with council and planning commission per letter dated 6-06-06. How deceptive to send this "concurrence" right after holding a workshop, trying to imply the concurrence was based on this workshop. Caltrans was specifically asking for input from the community, the responses at 5-30-06 meeting from the public, were not in support (K)
- Capistrano Dispatch further illustrates the public was <u>not</u> in support (L)
- Numerous articles reporting on the 275 signature petition. No proof Caltrans received this from our city. Nasser stated he sent via email, but had deleted it.
- Barriers with breaks for streets destroy the effectiveness of barriers, per
 the Federal Highway Administration, and shadow zone, as is Sound wall
 One, houses lower than the road, (shadow zone) would already be
 protected (p1,25, 27). It is also easier for Federal funding if adding a lane,
 becoming a Type I versus Type II CA3-150.40 per Cal Dept. of
 Transportation. (M) TNAP M1-14)
- City (Bogh & Huber) aware project was progressing on "accelerated basis" and the city needed to notify Caltrans by 9-29-06 in writing of selection of sound wall type & treatment. (N-2) City has continued to allow public outcry to be stifled by holding meetings with false information in order to stall us and continue with their plan until it was cemented in place. Meeting held 10-24-06 offered false answers to community (O). Meeting was transferred last minute out of council chambers offsite. This provided no record, no recording minutes. Blatant misstatement of facts. Huber stated Transportation commissioner never looked at issue, yet minutes of 2-8-06, & 5-10-06 illustrate Adhoc committee was already reporting on said matter (P)
- Appearance of conflict of interest from a few past council, commissioners or staff. Relates to compensation/improvement of property where they live & others appearing to benefit other outside agencies/developers at the expense of San Juan. Past representation of a 12th district Caltrans rep. 'Possible future consulting? Public support for measures that included street widening of Ortega.
- EIR report not available for public review prior to the survey, thus invalidating the survey.
- (N-2) -letter 8-21-06 Abdou to Bogh discussing survey results & city selection of sound wall prior to 9-29-06, decision requested prior to conducted workshops 10-24-06, and two this month, by Nasser.
- Bias in survey sample. Sample favors populated area (southside) to the
 injury of the less populated (northside). One cannot "mitigate" injury to
 one group of people while inflicting injury upon another group as a
 solution.
- Bias in "neutral" distributor of survey, as they are contractor with Caltrans

- Community input on sound walls, required for EIR, was not considered.
 Concurrence with Caltrans demands obtained solely with Council members and planning commission.
- Noise study for North side of Ortega was not done. Caltrans TNAP protocol <u>requires</u> this. (M-5). Per report, page 80 "California Noise barriers June 1992" from Caltrans: "The question of reflected noise needs to be resolved. If it were true that neighborhood noise levels were actually increasing as a result of constructing new barriers, then the whole idea behind constructing barriers as a method of noise mitigation would appear to be flawed". Caltrans stated to me they didn't do sound study because a lady ran them off (Yacoubi). I signed an agreement a few years ago to allow for access to my property for studies.

Sound Wall Area II & III

Above items and additionally:

barrier attenuation).

- Ineffective noise attenuation. Per Highway design manual, Chapter 1100-3 Highway Traffic Noise Abatement item 5 <u>Parallel Noise Barrier's</u>.

 "...Reflective parallel barriers should have a width-to height ration (W:H) of at least 10:1 to avoid a risk of perceptible reduction in performance of both noise barriers. The width is the distance between the two barriers and the height is the average height of both barriers with reference to the roadway elevation. For example, two parallel barriers, one 3m, the other 4m high, should be separated by at least 35m to avoid a noticeable degradation in performance. ... (defined as a reduction of 3dba or more in
 - Area II & III, proposed sound wall (16 ft. south side & retaining wall avg. of 15" = <u>155</u> distance needed to avoid degradation in sound wall performance.) Sound walls become ineffective due to the distance between them and retaining wall or parallel sound wall. Highway Design Manual 1100-3 attachment (O)
- Length of sound wall does not provide adequate attenuation for end dwellings (M1-14)
- Sound study not conducted on northside of Ortega
- To provide for height of sound walls, noise attenuation must be at least 5 decibels.
- Reflective noise reduction for sound wall are claims by manufacturer.
 Caltrans has <u>not</u> verified these claims by actual field measurements. (page 2 letter Caltrans 8-21-06) (N-2)
- Right of way for sound walls is under city jurisdiction.
- City agreed to burden taxpayers with paying for the maintenance of all landscaping for project
- Block sound walls are scheduled, due to survey vote and glass walls are sound "reflective". They will block all ridgeline and San Juan Creek valley views to the south of the Ortega corridor. (I-7)

16

15

117

Safety Sound wall areas 2 & 3

• Retaining wall design proposes to increase grade in both areas from 16.7 to 23%, and 15 to 21.1%. (I-8) Existing and proposed grades EXCEED the Orange County Fire Authority standard of 15% max. Proposed street and driveway grades cannot exceed the max for the standards for emergency vehicle and fire apparatus. (6-6-06 letter, item d.) attachment (K)

- No sidewalks on North side of Ortega for students
- Two lane section provides a needed restriction of traffic from outside of city boundaries

I respectfully submit this package to the San Juan City Council in the hopes that we will see a new day in city government that is open, honest and responsive to its citizens. I ask that you motion the council to pass a resolution withdrawing support of aforementioned project as it now stands.

I have also suggested to numerous staffers the need for transparency in local government. Concerned citizens should not be required to spend countless hours trying to find the truth, only to find you need to invoke the PRA. I would suggest that we have a video recording available on the internet of all council & planning commission meetings. I don't think televising it is a good idea, but access via internet would be valuable to those of us who want to see what a great job our current city council will be doing for us. Please reference Newport Beach council meetings on the internet as an example.

Once again, thank you for the opportunity to bring this to your attention.

Sincerely,

Lennie DeCaro

32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 (949) 493-1171 (949) 493-1053 FAX www.sanjuancapistrano.org



Office of the Marjor

MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO THOMAS W. HRIBAR MARK NIELSEN JOE SOTO DR. LONDRES USO

February 16, 2007

Ms. Lennie DeCaro 30987 Steeplechase Drive San Juan Capistrano, CA 92675

RE: Ortega Highway Widening Project

Dear Ms. DeCaro:

Thank you for the recent volume of information that you have provided to the City Council in relation to the proposed widening of Ortega Highway in the City of San Juan Capistrano. On behalf of the City Council, I would like to applaud your diligence in working hard to gather as much information as you have generated.

I have asked staff to review the information you have assembled in order to respond to some of the questions that you have raised. Staff will also send a copy of your six-page summary to CalTrans for their review.

I would like to start with general comments on some of the issues in your summary sheet.

- 1. Since the widening concept dates back to several years ago, some of the features as well as project limits have changed over the years. Anytime a project moves from concept to preliminary engineering, design features will change.
- 2. City staff has shared the information it has received with the residents. We acknowledge that since this is a CalTrans project we do not have all the information that you and other interested citizens would like to receive. Similarly, the City does not have control over the project process.

- 3. It is customary for one agency to bounce ideas off another with respect to project elements (in this case, types of sound-wall materials, landscaping, retaining walls, etc.). Some of the documents that your packet contains, they point to the dialogue with City staff as well as a joint workshop that the City Council held with the Planning Commission in May of 2006 to provide general comments on the project (public testimony was also received at the same meeting).
- 4. Finally, while different pieces of the project have been discussed over the years, and recent months, the overall project is not presented to the public until the environmental document is released to the community. The project Mitigated Negative Declaration ("MND") is due to be out in April 2007 and you as well as others (including City staff) will have the opportunity to provide comments on the project.

The specific issues that you have raised cover many areas and brief responses are provided below. I will point out, however, that some of the technical issues will need to be addressed by the project designers:

Sound-walls – This is a very contentious issue as some residents demand them, while others are opposed to the sound walls. Over the next three or four months, as more information becomes available, we will see how everyone feels about constructing sound walls.

Sidewalk on the north-side — It is our understanding that the existing sidewalk on the north side is slated to be removed so that a right turn pocket can be created to help move the east bound traffic in smoother and safer fashion.

Hunt Club entry gates – Project designers need to address any safety issues that the entry gates may experience as a result of the widening project.

Safety – Highway safety is of paramount importance to all of us and State standards and guidelines are developed to protect the public health and safety.

Street lighting – We will review the Highway lighting requirements and standards.

Highway shoulders – This is a project design feature and, again, we will expect CalTrans | 100 provide justification.

Tree removals – Currently about 80 trees (please note that this a preliminary number and subject to change) are proposed to be removed in this project. There will be a mitigation plan to address lost trees.

Property values – While we can't address this issue with any degree of certainty at this point in time, we will ask CalTrans to analyze the potential impacts on property values.

Type of sound walls – It is our understanding that the environmental document will discuss different options for the sound walls.

City maintenance responsibility for graffiti and landscaping – The City currently has these responsibilities and will continue them with or without the widening.

Reflective noise mitigation on the north side – We expect CalTrans to respond to this concern.

Driveway grades – This is a technical matter that the project engineers will take into consideration in design.

Letter from Hunt Club – The City has not contacted the Hunt Club for any letters.

Equestrian easement is not multipurpose – We are in agreement with your statement.

EIR report – The project is moving forward with a MND and no EIR is prepared. CalTrans as the lead agency has chosen to prepare a MND and will explain its rationale in the same document.

In the meantime, we have contacted CalTrans and requested that a community meeting should be planned for sometime in March 2007, before the project MND is issued. Another dialogue with project designers may provide greater details. We are awaiting their official response. As soon as the meeting can be organized, the City staff will notify you and other interested parties. However, please bear in mind that while everyone is eager to see the proposed widening plans, CalTrans views the MND as a draft document and prefers review from the City and public first.

Many thanks again for your involvement and we look forward to working with you and other citizens as this project develops further.

Sincerely,

Sam Allevato

Mayor

cc: Council Members

Dave Adams Bill Huber

Nasser Abbaszadeh





"justice4l" <justice4l@ 09/07/2007 08:54 PM To <Lower74_D12@dot.ca.gov>
cc
bcc

Subject verification of timeline compliance for submission of documents, 63 pages total documents submitted

To Iffat Qamar,

In conclusion, I decided not to forward the dozens of emails objecting to the widening (who cc'd me). If Caltrans makes it necessary to pursue litigation, I will have the copies available. Since Caltrans has been working with the city, I would hope all the emails were forwarded to you that objected to the widening. I am enclosing some of these other emails that were available at 7-17-07 council meeting. They are sent as an email attachment along with this notification to Caltrans stating the content of my complete document list.

I have in no way included the many letters I have written to Caltrans, OCFA, newspaper articles and council speeches. I have attended SOCMIS meetings, council meetings, organizational events, placed numerous phone calls and spent numerous hours of research, all in an effort to protect or town and our county. It is insulting that citizens cannot trust those we have elected and the agencies that we pay for with our tax dollars to do the right thing anymore. We have more documentation of bias that we will bring forward if the legal process continues. In the meantime, the following is the summary of the documents submitted that support dropping this project entirely from consideration. Mailings comply with the postmark date (per your posting of extension until Sept 8, 2007).

Regards,

x (0 g ,			
Lennie DeCaro	title	pages	1
	Table of contents	1	1
	CEQA/Initial Study	5	
	Public Notice	2	1
	Cover Sheet	3	-
	Chapter 1	8	Į
	Chapter 2	5	1
	Chapter3	1	1
	Appendix A	· 3	- 1
	Traffic Study	3	- 1
	Initial Site	2	ſ
	Historic property	3	Ì
	Noise	3	ł
	R.O.W	3	1
	Kempton book excerpt	2	1
	attachment/18 emails	18	
	total of 63 pages		

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07-0717_CC_A4b_correspondence[1].pdf



6-3 A4b

Closed Session 7/17/2007

Christy Swanson

From: TheOaksFarms@

Sent: Monday, July 16, 2007 3:56 PM

To: CityClerk@sanjuancapistrano.org

Subject: From Joan Irvine Smith

July 16, 2007

To Mayor Allevato and City Council Members,

Last week the California Department of Transportation sent the City of San Juan Capistrano an initial study of the purposed widening of the Ortega Highway. Caltrans claims that a full environmental impact report (EIR) is not necessary, relying instead on a Negative Mitigated Declaration that essentially says they have looked at the proposal and determined that any impacts on our community (noise, air quality, aesthetics, etc.) can be mitigated and reduced to an insignificant level.

Caltrans further claims there will be no significant impact on the scenic vista, no damage to resources including trees, no substantial degrading of the existing visual character, no conflict with any local ordinances such as a tree preservation policy, no impact on the neighborhood character, no impact on property values, and no increase in noise levels.

It is ludicrous to say that the impact on our community will be insignificant, when the report I clearly states that 110 large trees will be removed, that long stretches of 14ft high sound walls and 25ft retaining walls will be constructed, that the width of Ortega Hwy will be tripled where it is two lanes along my property, The Oaks, and that more cars and trucks will be accommodated. The report even states that "After construction, Ortega would feel less like a residential community drive and more of a thoroughfare."

The City Council did the right thing when they voted unanimously on March 6 to demand that Caltrans do a full EIR. While some members of the council opposed and others supported the widening project, you all agreed that a comprehensive review of all the impacts must be fully explored and Mayor Allevato even stated "I think the EIR is more than justified."

Now that Caltrans has ignored the City's request for a full EIR and issued the Negative Mitigated Declaration, we may only have 20 or 30 days to preserve our rights to insist on the EIR by filing a legal challenge. The unanimous City Council action previously taken authorized the City Manager to do whatever was necessary to insure a full EIR was done, including engaging a CEQA attorney to preserve our rights.

Joan Irvine Smith 28650 Ortega Hwy San Juan Capistrano, CA 92675

7/16/2007

145

Christy Swanson

From:

LAURA [LAURA@I

Sent:

Monday, July 16, 2007 10:20 AM

To:

City Clerk Scanstation

Subject:

Ortega

The back entrance to our town is special and rural. PLEASE LEAVE ORTEGA | HWY. ALONE. Why must every city look alike??? We are not Irvine or Mission Viejo. The Salveson Family Avenida La Mancha

x Project Howard

6-3 A4b

Closed Session 7/17/2007

Meg Monahan

From: Hmcare@

Sent: Saturday, July 14, 2007 6:44 PM

To: CityClerk@:

Subject: Re: Widening of Ortega

To: The Mayor and Council Members of San Juan Capistrano,

The impact of allowing Otega Highway to be widened, destroying our community would be devastating to all of San Juan. We ask you to vote to request a full EIR from CalTrans.

We do not support a widening of Ortega.

Sincerely, Ron and Vicki Geisler 30662 Hunt Club Drive San Juan Capistrano, California 92675

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MINITY CLERK
SAN JUAN CAPISTRANG

X Procket Houses

7/16/2007

Closed Session 7/17/2007



Meg Monahan

6-3

A4b

From: HaigSJC@a

Sent: 8

Saturday, July 14, 2007 10:20 PM

To:

CityClerk@

Subject: Widening of Ortega Highway

Dear Mayor and Council Members:

I support the position that you require a full EIR from CalTrans on the proposed widening of Ortega Highway.

Harold Haight, 27485 Paseo Mimosa, San Juan Capistrano. Resident for the past 17 years.

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2007 JUL 16 A II. 38





Meg Monahan

From:

lise Byrnes [ilse_byrnes@) Sunday, July 15, 2007 9:46 AM

Sent: Sunday, Juli To: CityClerk@: Subject: Ortega 6-3

In the late 70's I nominated the Ortega Hwy. to the National Register of Historic Places because it had all the qualifications of a historic route. Years back it was known as Hot Springs Road. Many historic features like old barns had been replaced by homesyet the road itself still has historic integrity with the Parra Adobe, Harrison House, Hankey Home and the Errecarte House still in place. Widening the Ortega with installation of soundwalls, retaining walls and removal of trees will be a great loss to San Juan's Historic character.

Ilse M. Byrnes

Luggage? GPS? Comic books?
Check out fitting gifts for grads at Yahoo! Search
http://search.yahoo.com/search?fr=oni_on_mail&p=graduation+gifts&cs=bz

2001 JUL 16 A III 38
CITY CLERK
AN IIIAN CAPISTRANO



x Prochet Howars



Meg Monahan

_ A4k

6-3

3 _f

From: Anthony Dugan [afdugan@v

Sent: Sunday, July 15, 2007 7:07 AM

To: City Clerk Scanstation Subject: Ortega Highway

Before any widening of Ortega Hwy, is decided upon, we would like a complete Environmental Report. This $\sqrt[l]{2}$ widening will destroy many trees and we don't want to see all high walls just for traffic to pass through town $\sqrt[l]{2}$ $\sqrt[l]{3}$ more quickly.

CITY CLERK



x Procer Howard



Meg Monahan

From:

Yvonne Tschaikowsky [yvonne_tschaikowsky@

Sent:

Sunday, July 15, 2007 3:33 PM

To:

CityClerk@SanJuanCapistrano.org

Subject: Ortega Widening

Honorable Mayor Allevato and Council Members Hribar, Uso, Soto and Nielsen,

After looking at information contained in the CalTrans Initial Study of the Ortega widening, I am totally convinced that a full EIR is more than justified.

Please stand firm on your unanimous 5-0 vote at the 3/6/07 Council meeting and move forward immediately to demand a full EIR.

Please stand firm on taking this step to protect the best interests of all the residents of San Juan Capistrano as well as the very character of our unique historical town for generations to come.

Trusting that you will protect our town's best interests and demand a full EIR.

Thank you.

Yvonne Tschaikowsky Paseo Placentia SJC

Don't get caught with egg on your face, Play Chicktionary!

X PROJET HOLDONS

6-3 H



Meg Monahan

A4b

From:

Hmcare@a

Sent:

Sunday, July 15, 2007 6:51 PM

To:

CityClerk@

Subject: To: Mark Nielsen

T. M. d. Minland

Dear Councilman Nielsen,

We live in the Hunt Club and met you at the Trosky's residence during your campaign for election to the SJC City Council. We read your article regarding the widening of Ortega and the EIR that CalTrans has yet to agree to doing. It is our belief that this project will impact our city and our citizens and will have far reaching impact to the integrity and future of San Juan. We do not support this project. We plan on attending the July 17, 2007 City Council meeting, as well as, the meeting to be held at Marco Forster on July 24, 2007.

We look forward to seeing you at the above meetings.

Sincerely,

Ron and Vicki Geisler

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CITY CLERK



x Project Harases

A4b

4b



SJC Council Members

Mr. John Shaw, attorney

Mr. Steve Apple, Planning director

Mr. Nasser Abzadeh

San Juan Capistrano City Clerk

July 14, 2007

Re: Request City of San Juan Capistrano to affirm CEQA attorney selection that will pursue and timely file a writ of mandate compelling Caltrans to prepare an Environmental Impact Report for the "Lower Ortega Widening 74/project".

Objection to verbiage in public meeting announcement.

Dear Sirs,

Time is of the essence in filing the writ of mandate compelling Caltrans to prepare an EIR. Therefore, I need a response from City Council/ City attorney to confirm that the city has selected a firm to prepare said writ and will timely file this action prior to August 9th, 2007. Although this action was agreed upon by unanimous council vote in March, I leave nothing to chance. If the city does not proceed with this action to protect our residents, the city will be putting itself in jeopardy of also being named in any litigation that would result from others having to pursue the EIR from Caltrans.

I must have a response from the city affirming this action by 12:00 noon on 7-18-2007, in order to allow time on my end to make sure necessary steps are taken. This will allow city council to select legal firm/attorney on the 17th and affirm that they will perform as previously voted and agreed upon.

I am in possession of documents that give "cause", based on the "fair argument" for an EIR. I will make myself available on short notice to help your CEQA attorney with documentation. I believe it prudent that I be consulted, as one needs to bring up all of the issues when filing this writ.

I also want to address the "Ortega Widening Project (SR-74) announcement (orange card sent to residents). In this notification, it gives the appearance of a <u>conclusion</u> based on the following:

"CALTRANS prepared an Initial Study, which shows the project will <u>not</u> significantly affect the quality of the environment."

Verbiage should have stated that the study "purports" or "claims" the project will not... (without adding bold or underscoring for emphasis).

Further, the project for our purview is from Calle Entradero to city limit, not Antonio Pkwy. I spoke to Dana Privit from BonTerra consulting who state they did not author this P.M.A., but rather, it came from San Juan. I would also like to know who authored the public meeting announcement.

Best Regards,

Lennie DeCaro

CITY CLERK SAN JUAN CAPISTRANO

REGEIVED

1

X PROJET HOLDERS

Meg Monahan



From: Sent: Gila Jones [gilajones@

Sunday, July 15, 2007 8:25 PM

To: Subject: CityClerk@ Ortega EIR 6-3

A4b

I understand the Council may be looking at the CalTrans report regarding the widening of Ortega Highway this Tuesday. I have a prior commitment and can't attend the meeting. However, I wish to express my strong desire that the Council demand a FULL EIR from CalTrans on this important project.

Thank you.

Gila Jones city resident

CITY CLERK

x PACLET LALDORS



Meg Monahan

From: Trevor Dale It-dale@c

Sent: Monday, July 16, 2007 12:13 AM

To: CityClerk@

Subject: Ortega Widening - EIR

6-3 K

Honorable Mayor Allevato and Council Members Hrlbar, Uso, Soto and Nielsen,

On March 6th of 2007, you voted unanimously to demand CalTrans provide the city with an EIR. The purpose of this action was to provide City staff with all available information so they could fully evaluate the impact the Ortega widening project would have on our city. I commend you for this action because it was in the best interest of our city and all residents.

Now that CalTrans initial study and the MND have been made public, it should be obvious why the City Council should continue to direct staff to complete all necessary paperwork to file a legal action against CalTrans before the Aug. 08 2007 deadline. Who benefits from not forcing CalTrans to provide the city with a full EIR, not our City.

Your support on this very important matter is what our citizens requested and you have voted on unanimously.

Thank you for your continued support

Trevor Dale Camino La Ronda, SJC

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CITY CLERK
CAPISTRANG

x Problet Howens

A4b

Closed Session 7/17/2007

Meg Monahan

From: Shelagh Hegarty [shelaghhegarty@

Sent: Monday, July 16, 2007 6:55 AM

To: Subject: Full EIR report

CityClerk@

I agree with our city council, we need a full EIR report on the Ortega widening and sound wall work

Shelagh Hegarty shelaghhegarty@:

X Projet Howers



Meg Monahan

A4b

From:

Marion & Tom [tvc32190@]

Sent:

Monday, July 16, 2007 7:22 AM

To:

City Clerk Scanstation

Subject: CalTrans

Honorable Mayor and Council Members,

I certainly hope that the Council will vote unanimously to demand a full EIR regarding the widening of Ortega, including any necessary legal action.

Sincerely, Marion Costello 32190 Via Barrida San Juan Cap.

MINITAL IN A III 31



x PROJECT HOLDRIS



Meg Monahan

From: Robert Miller [Robert.Miller@c

Sent: Mo

Monday, July 16, 2007 8:57 AM

To:

CityClerk@

Subject: I live within 100 yards of Ortega Highway, and I believe that you must insist that Cal Trans complete

a Full Environmental Impact Report subject to further review.

Please respond back to me that this e-mail has been received and read.

To: San Juan Capistrano Mayor and All City Council Members,

I live within 100 yards of Ortega Highway, and I believe that you must insist that Cal Trans complete a Full Environmental Impact Report subject to further review.

My understanding is that the SJC Council did vote 5 to 0 at the March 6 meeting to demand a full EIR from CalTrans.

Please follow through and submit a formal and official request from CalTrans asap, and before all deadlines.

Sincerely,

Local SJC resident since 1998.

Robert Miller

CITY CLERK

X PARKET LADUDERS

A4b



Closed Session 7/17/2007

Meg Monahan

From: Marion & Tom [tvc32190@

Sent: Monday, July 16, 2007 1:12 PM

To: City Clerk Scanstation

Subject: CAI Trans. Negative Mitigated Report, Ortega.

To:Mayor and City Council Members

From: Tom Costello 32190 Via Barrida SJC

While convenient for Cal Trans to use an NMD, it certainly doesn't bode well for the Community of San Juan Capistrano. Rest assured their priorities come first and the interests of our Community may or may not be among them. I suspect the latter.

Cal Trans protests too loudly there will be no negative impacts, IMAGINE THAT!!

I urge you stay the course, show the people of San Juan your commitment to their interests, it's why you were elected. Take all necessary steps, including LEGAL ACTION.

We need a full Environmental Impact Report. I look forward to a unanimous vote.

ThankYou.

x Pricket Houses

Meg Monahan

From: GRehler@

Sent: Monday, July 16, 2007 12:44 PM

To: CityClerk@.

Subject: Requesting an EIR Report

A4b 6-3 P

Please, members of the Council,,,,insist on a complete EIR report from CalTrans before anymore action is taken on the Ortega Fwy. widening. An ounce of PREVENTION=——I

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Meg Monahan

From:

A4b 🚳



Terry Holdt [tnholdt@

Monday, July 16, 2007 11:55 AM Sent:

CityClerk@ To:

Subject: Ortega Widening Plan

Please do not allow the current Mitigated Negative Declaration to stand as the only document leading our way on the project. We must demand a full EIR report from CalTrans for this Ortega widening project within the city limits of San Juan Capistrano.

Respecfully,

Terry Holdt

25 Year Resident of San Juan Capistrano



x Procerttouses

Meg Monahan

A4b

From:

livars Bumbulis [bumblb1904@s

Sent:

Monday, July 16, 2007 11:49 AM

To:

CityClerk@5

Subject: Ortega Widening

6-3R

Honorable Mayor and Council Members:

I STRONGLY urge you to PLEASE force Caltrans to do a full EIR on the widening of Ortega. It is preposterous to say there is no 'SIGNIFICANT" impact. The character of our town and the homes of the people that live there will be SEVERLY impacted!

Sally E. Bumbulis 27383 Paseo Laguna San Juan Capistrano, CA 92675

(949)496-5978



XPROJUT HOLDERES



THE OAKS FARMS

THE OAKS

PO Box 1453 • San Juan Capistrano • California • 92693 (949) 493–3003 • (949) 240–2405 • FAX 493–1856

July 24, 2007

To Caltrans: Department of Environmental Planning Smita Deshpande, Environmental Branch Chief

Attention: Iffat Qamar

3337 Michelson Drive, Suite 380

Irvine, CA 92612-0061

On July 10, the California Department of Transportation sent the City of San Juan Capistrano an initial study of the proposed widening of Ortega Highway. Caltrans claims that a full Environmental Impact Report (EIR) is not necessary, relying instead on a Negative Mitigated Declaration that essentially says they have looked at the proposal and determined that any impacts on our community (noise, air quality, aesthetics, etc.) can be mitigated and reduced to an insignificant level.

Caltrans further claims there will be no significant impact on the scenic vista, no damage to resources including trees, no substantial degrading of the existing visual character, no conflict with any local ordinances such as a tree preservation policy contained in our General Plan adopted by the City Council in 1999, no impact on the neighborhood character, no impact on property values, and no increase in noise levels.

It is ludicrous to say that the impact on our community will be insignificant, when the report clearly states that sidewalks and 110 large trees will be removed, long stretches of 14ft high sound walls and 25ft retaining walls will be constructed, the width of Ortega Highway will be tripled where it is two lanes along my property, The Oaks, and more cars and trucks will be accommodated. The report even states that "After construction, Ortega would feel less like a residential community drive and more of a thoroughfare."

It is of particular interest that the report contains no reference to the city's own 2002 Strategic Transportation Plan prepared at a cost of over \$100,000 to have traffic engineering experts look at possible traffic improvements. Their conclusion was to strongly oppose the Ortega widening at this point in time stating, "Table the project development activities for widening Ortega Highway until commitments or resolution is achieved on strategies 1 through 5 and 10 (the extension of La Pata and the 241, an extension of Avery to Antonio, a southbound off-ramp at Stonehill, a new road off Crown Valley; and after those a new Ortega/I-5 interchange)." The traffic experts commented that to proceed with Ortega widening first "without prudent traffic diversion strategies, traffic volumes could increase, resulting in the same, or worse, congestion levels, only



now with four lanes instead of two." They also stated that the Ortega widening "should not occur until the interchange is improved, as existing interchange congestion would be exacerbated."

It should also be noted that the city's General Plan states that it is our policy to "preserve and enhance scenic transportation corridors." The widening of the last rural entryway into our historic city will clearly have a significant impact on our community.

On March 6 the San Juan Capistrano City Council voted unanimously to demand that Caltrans do a full EIR on the widening project. As Caltrans ignored the city's request for a full EIR and issued the Negative Mitigated Declaration, on July 17 the council instructed the city manager to engage a CEQA attorney to preserve our rights.

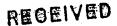
Sam Allevato states in the Mayor's Message which appeared in the Capistrano Valley News on July 19, "It is now time to move on to the next step of a calm, deliberate approach by seeking legal counsel as to the adequacy of this report and the mitigation measures that are proposed. If our legal counsel feels that sufficient justification exists for a lawsuit, we should pursue this with the utmost vigor."

I am in full support of our City Council's action to retain a CEQA attorney to determine the adequacy of Caltrans' initial study of the proposed widening of Ortega Highway and to proceed with a lawsuit in this matter if necessary.

Joan Irvine Smith

28650 Ortega Highway

San Juan Capistrano, CA 92675





1901 AUB -8 PTHE OAKS FARMS

THE OAKS

CIFO 61-FRANGEN Juan Capistrano · California · 92693 SAN JUAN (949) 493-3003 · (949) 240-2405 · FAX 493-1856

August 7, 2007

Mayor Sam Allevato and Members of the City Council 32400 Paseo Adelanto San Juan Capistrano, CA 92675

Dear Mayor Allevato and Members of the City Council,

My name is Joan Irvine Smith, and I am a resident of the City of San Juan Capistrano. My horse farm, The Oaks, is located along the Ortega Highway at Avenida Siega. I am writing today to inform you that I have retained the law firm Shute, Mihaly & Weinberger LLP to assist me in preparing comments on the Mitigated Negative Declaration ("MND") circulated by the Department of Transportation ("Caltrans") for the proposed widening of the Ortega Highway.

The firm, together with an urban planner and experts in the fields of traffic, aesthetics, and air quality, have identified a number of potentially significant impacts associated with the proposed widening. First and foremost, the entire project—from the removal of 110 mature trees (which cannot be replaced due to Caltrans regulations), to the construction of unsightly retaining and sound walls, to the widening of the road itself-will devastate the beauty and rural ambience of this scenic highway. The mitigation measures proposed to alleviate this admittedly significant impact simply do not come close to restoring the beauty we now enjoy.

In addition, widening the highway will actually worsen traffic congestion at the unsignalized intersections along the segment of the highway. After the widening, motorists attempting to turn left onto the highway will have to wait for a break from both directions in four lanes of traffic traveling at speeds at or above 60 mph. The only socalled mitigation suggested by the MND for this significant impact is that motorists could turn right onto the highway, cut across two lanes of high-speed traffic, and make a U-turn at the next intersection. In addition to adding yet more time to these motorists' trips, this "mitigation measure" is infeasible because the road will not be wide enough to execute a U-turn in one motion.

These are just two out of a laundry list of potentially significant impacts that either went unanalyzed or unmitigated in the MND. The list also includes impacts to pedestrian, equestrian, and bicyclist safety; potentially significant impacts to air quality, water quality, and noise; and the project's potential to encourage significant new growth in the undeveloped lands to the east. The MND also failed to analyze any environmentally superior alternatives to the widening other than the "No Build" alternative. Our traffic consultant has proposed such an environmentally superior alternative that increases the capacity of the highway without widening it to four lanes.

In conclusion, it is clear that Caltrans must prepare an environmental impact report to analyze the project's significant impacts. It is my understanding that the City is also submitting comments on this MND, and I would encourage you to demand an EIR as well.

Joan Irvine Smith

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September 6, 2007

VIA FEDERAL EXPRESS

Department of Transportation, Environmental Planning Smita Deshpande, Environmental Branch Chief Attn: Iffat Oamar 3337 Michelson Dr., Ste. 380, Irvine, CA 92612-0661

> Mitigated Negative Declaration for Proposed Widening of SR-74 Re: (Ortega Highway) in City of San Juan Capistrano

Dear Mr. Oamar.

This firm represents Joan Irvine Smith on matters relating to the proposed widening of State Route 74 (Ortega Highway) from Calle Entradero in the City of San Juan Capistrano to the City/County of Orange border ("Project"). Mrs. Smith, a resident of San Juan Capistrano who owns a farm, The Oaks, along that portion of the Ortega Highway to be widened, is concerned about the Project's impacts on her community. The purpose of this letter is to provide comments on the July 2007 Initial Study/Mitigated Negative Declaration ("MND"), which has been circulated for public consideration and comment.

We transmit this letter on behalf of Mrs. Smith to express our legal opinion that (1) the MND for the proposed Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("Guidelines") and (2) your agency must prepare an environmental impact report ("EIR") before proceeding with the Project. We prepared these comments in conjunction with Terrell Watt, AICP, an urban planning consultant; Tom Brohard and Associates, a licensed Professional Civil Engineer and Professional Traffic Engineer in California; Greg Gilbert, of Autumn Wind Associates, an air quality expert; Hugh Saurenman, of



ATS Consulting, a noise expert; and Jared Ikeda, a land use planner and licensed Landscape Architect. After reviewing the MND, these consultants all reached the conclusion that the Project will have potentially significant, unmitigated impacts. The reports prepared by Mr. Brohard and Mr. Gilbert are attached hereto as Exhibits A and B. The conclusions of Mr. Ikeda and Mr. Saurenman have been incorporated into the text of this comment letter.

It is our legal opinion that the MND does not provide adequate environmental review under CEQA. Despite the Project's potentially significant and unmitigated impacts to aesthetics, traffic, noise, growth-inducement, air quality, water quality and other environmental resources, the Department of Transportation ("Caltrans") proposes to approve the Project without first preparing an EIR. Many of the so-called mitigation measures proposed in the MND are nothing more than general assertions that something will be done in the future about the Project's significant environmental impacts. Such deferred analysis and mitigation are simply inadequate under CEQA. As discussed below, Caltrans cannot legally approve this Project until it prepares an EIR to analyze the Project's potentially significant environmental impacts.

I. LEGAL STANDARD

It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. The Pocket Protectors v. City of Sacramento, 124 Cal.App.4th 903, 928 (2005). An EIR is required whenever substantial evidence in the administrative record supports a "fair argument" that significant impacts may occur, even if other substantial evidence supports the opposite conclusion. Guidelines §§15064(a)(1), (f)(1). An impact need not be momentous or of a long enduring nature; the word "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" No Oil, Inc. v. City of Los Angeles, 13 Cal.3d 68, 83 n. 16 (1974). The fair argument test thus reflects a "low threshold requirement for initial preparation of an EIR" and expresses "a preference for resolving doubts in favor of environmental review." Stanislaus Audubon Society, Inc. v. County of Stanislaus, 33 Cal.App.4th 144, 151 (1995).

Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record "enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." Sundstrom v. County of Mendocino, 202 Cal.App.3d 296, 311 (1988). In marginal cases, where it is not clear whether there is substantial evidence that a project may have a significant impact and there is a disagreement among experts over the significance of the effect on the environment, the agency "shall treat the effect as significant" and prepare an EIR. Guidelines § 15064(g);

<u>City of Carmel-By-The-Sea v. Board of Supervisors</u>, 183 Cal.App.3d 229, 245 (1986). Given this standard, an EIR is required for this Project.¹

II. THE MND'S DESCRIPTION OF THE PROJECT IS INADEQUATE.

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, 27 Cal.App.4th 713, 730 (1994), quoting County of Inyo v. City of Los Angeles, 71 Cal.App.3d 185, 193 (1977). As a result, courts have found that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. San Joaquin Raptor, 27 Cal.App.4th at 730. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." Id. (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

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A. Omitted Information

The MND's description of the Project fails to describe numerous, essential aspects of the Project that have the potential to result in significant impacts. This omitted information includes, but is not limited to:

- Location of the Project staging areas. The MND states only: "There would be no staging areas within the Project Limits. The entire construction of SR-74 (both City and County portions) would occur at the same time with the County being lead. The staging areas for the entire widening would be coordinated within the County limits. This is discussed further in the Cumulative Impacts section." MND at 1-9. No additional information is provided on this subject in the Cumulative Impacts section.
- Specific location and description of property to be acquired in fee and/or for temporary construction easements.
- Amount of cut and fill (in cubic yards) associated with the Project.
- Location of spoils and soil importation sites, and haul routes.
- Number of truck trips associated with all grading and other construction-related activities.
- Description of construction-related activities (including timeline, location, number of construction employees, types of equipment, etc.).

¹ Although it is our unwavering legal opinion that Caltrans must prepare an EIR for this Project, if Caltrans decides to rely on the MND, but modify the Project or adopt additional mitigation measures, Caltrans must, at the very least, recirculate the MND for further public review and comment. Guidelines § 15073.5.

• Description of additional lighting and landscaping proposed along the highway 4 if any.

Without this information about the Project, the public and decision-makers will not be able to balance the Project's benefits against its environmental cost and evaluate feasible alternatives and mitigation measures. An adequate project description, including the information listed above, must be the basis for any revised environmental document.

B. Inaccurate and Misleading Information

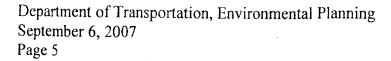
Furthermore, the simulations of the completed project included in the Visual Impact Assessment and visual impacts section of the MND are inaccurate and misleading. As Tom Brohard notes in his letter, attached hereto as Exhibit A, Figure 22 on page 2-55 of the MND distorts the size of the proposed eastbound traffic lanes between Via Cristal and Via Errecarte. In particular, the eastbound outside travel lane appears only slightly wider than the eastbound bicycle lane, which is inaccurate. The simulation also fails to show the westbound bicycle lane. Figure 26 on page 2-58 and Figures 27 and 28 on page 2-59 of the MND similarly distort the proposed additional lanes. Figure 22 on page 2-55 misrepresents the height of the sound wall proposed as mitigation. According to page 2-115 of the MND, the proposed sound wall is 14 feet high, yet the simulation in Figure 22 shows the wall as shorter than the pedestrian walking near it. All of these distortions tend to understate the aesthetic impacts of the Project. As a result, the MND's conclusion that the Project's aesthetic impacts will be insignificant is unsupported.

In short, the MND's inadequate, incomplete, and, indeed, incorrect project description plainly frustrates the core goals of CEQA: to provide a vehicle for intelligent public participation and to provide an adequate environmental impact analysis. See County of Inyo, 71 Cal.App.3d at 197.

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III. THE MND'S DESCRIPTION OF THE PROJECT SETTING IS INADEQUATE.

CEQA requires that an initial study must contain "an identification of the environmental setting." Guidelines § 15063(d)(2). Here, however, the MND's description of the Project setting omits essential information and presents the reader with an inaccurate description of the existing setting. As such the MND fails to meet CEQA's requirements.



A. Omitted Information

In order for the public and decision-makers to be able to fully understand the environmental impacts of this Project, more information about the Project setting is needed. Such information includes, but is not limited to:

A detailed description of land uses in the Project area.	112
 A description of the speed limits along the Ortega Highway and average speeds motorists traveling along the relevant portion of that road. 	of [13
• Data on current average daily vehicle miles traveled on the Ortega Highway.	114
 A list of cumulative projects, including major construction projects, that will be carried out in the area during the period when the Project will be under construction. 	115
• Information on the jobs-housing balance in Orange and Riverside Counties.	116
• Data showing the percentage of traffic on the Ortega Highway attributable to commuters, recreational travelers, trucks, and other types of travelers.	117
• A detailed description of any and all sensitive receptors (including schools, medical facilities, nursing homes, daycares, etc.) in the Project area.	118
• The specific location and type of the 110 trees to be removed and whether they currently or historically provide nesting sites for birds.	119
• Any other relevant regional and local setting information necessary to evaluate	120

B. Inconsistent and Inaccurate Information

project and cumulative impacts

The information that is provided in the MND to describe the Project setting is inconsistent and inaccurate. For example, according to the Land Use section of the MND, "The project area is characterized primarily by residential land uses. Areas of non-residential land uses are dispersed throughout and are buffered by areas of open space. Throughout the project area, future developments are mainly residential and businesses." MND at 2-3. The Community Character section tells a different story, noting: "In the project area, the primary land uses are residential, open space, and agricultural." MND at 2-22. Confusing matters further, the MND also lists a number of public and private schools in the area and mentions the location of "Tanaka Farms," a produce stand and local attraction, along the highway. MND at 2-144, 2-53, 2-54, 2-56. Omitted completely from this description is our client's horse farm, The Oaks, located on the very stretch of highway to be widened. Finally, the Noise Technical Impact Analysis ("Noise Analysis") notes that "single-family residences and agricultural properties such as orange groves, nursery, horse ranch properties, and other agricultural properties are located along the south side of Ortega Highway within the project limits." Noise Analysis at 20. Without a coherent, consistent description of the environmental setting of

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the Project, the public and decision-makers will be unable to gauge the significance of the Project's environmental impacts.

In addition, the photographs presented in the MND's visual impacts analysis are inaccurate and misleading. As noted by Tom Brohard in his letter, attached hereto as Exhibit A, Figure 11 on page 2-50 of the MND purports to be a photograph of "Existing Conditions" looking westbound at the west end of the proposed project. The photograph clearly shows three through travel lanes in both the eastbound and the westbound directions on SR-74/Ortega Highway. However, aerial photography available at Google Earth shows only two through traffic lanes in each direction. Therefore, the photograph in Figure 11 does not depict existing conditions on SR-74/Ortega Highway at the west end of the proposed project.

An adequate and accurate description of the Project setting, including the information listed above, must be the basis for any revised environmental document.

IV. CALTRANS MUST PREPARE AN EIR THAT ANLYZES THE POTENTIALLY SIGNIFICANT EFFECTS OF THE PROPOSED PROJECT.

An agency must prepare an EIR for a proposed project whenever substantial evidence in the administrative record supports a "fair argument" that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). A fair argument clearly can be made that the Project, which will convert a tree-lined, two-lane road through a semi-rural neighborhood into a four-lane, high-speed thoroughfare, will have potentially significant impacts on aesthetics, noise, traffic, growth-inducement, and air quality. Furthermore, the Project will add to cumulatively significant environmental impacts resulting from a number of past, present, and future projects in the region. For all of these reasons, as discussed below, an EIR is required.

A. The Project Will Have Potentially Significant Noise Impacts.

As the MND recognizes, widening the Ortega Highway from two to four lanes to allow more traffic at higher velocities will, without question, increase noise levels throughout the Project area. The MND identifies locations all along the stretch of highway to be widened where the long-term noise impacts associated with the Project will be significant. However, the limited mitigation measures (two sound walls along a portion of the southern side of the highway) will do nothing to reduce the impacts at a majority of these locations. Thus, an EIR must be prepared to analyze these significant noise impacts.

The threshold of significance for noise impacts used by the MND appears to be "when the future noise level with the project results in a substantial increase in

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noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria (NAC)." MND at 2-102. Approaching the NAC is defined as "coming within 1dBA of the NAC." Id. At page 2-107, the MND asserts that the NAC in the Project area is 67 dBA. According to this standard, the Project will have significant noise impacts if it causes the dBA level to increase to or above 66 dBA.

Applying this threshold of significance, the Technical Noise Impact Analysis ("Noise Analysis") concludes that "implementation of the proposed project would result in potential short-term noise impacts during construction and long-term noise impacts from use of the completed project." Noise Analysis at 2. Of the 57 receptor locations modeled in the Noise Analysis, 29 locations (some on the north side of the road, some on the south side) would experience significant noise impacts from the Project. Id. Yet the MND only proposes to construct two sound walls, both of which would be located on the south side of the highway: Sound Wall # 2 (from Via Cordova to Via Cristal) and Sound Wall #3 (from Via Cristal to Via Errecarte). See MND at 2-115 and 2-116. As the Noise Analysis recognizes, these sound walls would only mitigate the noise impacts at ten of the 29 impacted locations. The sound walls will provide no mitigation for those locations on the north side of the highway where potentially significant noise impacts will occur. Moreover, as the MND recognizes, these locations on the north side may actually experience further noise increases due to sound reflecting off the sound walls on the south side of the highway. MND at 2-115. Finally, numerous locations on the south side of the highway will experience significant, unmitigated noise impacts as well: the MND does not propose to construct a sound wall to reduce the significant noise impacts at the location of receptors 11, 13, 14, 16 K-3, 17, 17B, 18, 21M, or 21N. See Noise Analysis, Appendix A (showing location of receptors and possible sound walls). These potentially significant impacts demand review and analysis in an EIR.2

The Noise Analysis and the MND also fail to include any evaluation of potential noise impacts to "commercial and agricultural land uses" in the neighborhood of the Project. For example, the Oaks Farm, a horse ranch owned and operated by Mrs. Smith, is located directly adjacent to the proposed Project. No sound wall is proposed to mitigate the significant noise impacts to the Oaks Farm. Moreover, two aspects of the Project will result in even greater impacts to the Oaks Farm than the MND suggests: (1) the construction of a retaining wall on the opposite side of the Highway will produce additional, reflected noise; and (2) the removal of trees and foliage currently separating

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² The MND appears to dismiss any mitigation for these significant impacts because it is too expensive. That fact, even if true, does not support the conclusion that the Project's noise impacts will be insignificant, but rather indicates that the significant impacts will not be mitigated because the mitigation is infeasible. As a result, these significant, unavoidable impacts must be analyzed in an EIR.

the Oaks Farm from the Highway will remove a naturally existing noise barrier. Neither of these impacts was analyzed in the MND. The Oaks Farm is a particularly sensitive receptor for noise because it is used, in large part, to raise and train horses, which have won numerous prizes in equestrian events. In fact, if the buffering trees and foliage are removed from the Oaks Farm, horse corrals, stalls, and pens will be directly exposed to the new sidewalk and widened highway. There are also a number of families with small children who reside on the Oaks Farm property. These potentially significant noise impacts have not been analyzed or mitigated in the MND.

Finally, the MND unlawfully defers the selection of the type of sound wall to be used until after Project approval, and omits any analysis of construction-related noise.³ This lack of analysis is yet another fatal flaw in the MND's noise impacts discussion.

B. The Project as Proposed Will Have Potentially Significant and Unavoidable Aesthetic Impacts.

Under CEQA, it is the state's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b) (emphasis added). Thus, courts have recognized that aesthetic issues "are properly studied in an EIR to assess the impacts of a project." The Pocket Protectors, 124 Cal.App.4th at 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics).

The accepted approach to analyzing visual and aesthetic impacts is as follows:

- a. Describe the criteria for significance thresholds.
- b. Characterize the existing conditions of the project site and the surrounding area by photograph and description, and select key viewpoints within the area, including scenic corridors and landscapes.

³ At an open house hosted by Caltrans in July, 2007, the public was shown representations of the Project and the area to be affected by it. According to these representations, it appears that Caltrans may be considering placing a staging area for the Project on the Oaks Farm. If this is true, Caltrans must analyze and propose mitigation for the potentially significant noise impacts associated with locating heavy construction equipment adjacent to sensitive receptors, such as the horses and families at the Oaks Farm. Moreover, Caltrans must analyze and propose mitigation for the loss of any additional trees or foliage due to the establishment of the staging area.

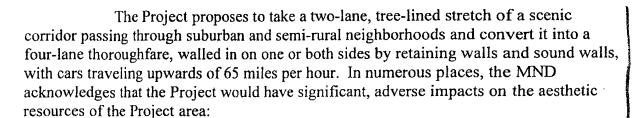


- c. Use photomontages or visual simulations, to illustrate the change in character of the project site before and after project implementation.
- d. Identify feasible mitigation measures and alternatives to reduce or eliminate significant impacts.
- e. Where mitigation measures are proposed, use the simulations to illustrate the change in character before and after project mitigation measures are imposed (e.g., landscaping at various stages of growth, setbacks, clustering, reduced scale and height, building color modification).

29 A.

Using this approach, it is clear from the simulations contained in the MND and the Visual Impact Assessment that the Project will have significant, unavoidable aesthetic impacts. Because these impacts will not be reduced to a less-than-significant level by the mitigation measures proposed, an EIR must be prepared.

1. Aesthetic Impacts Will Be Potentially Significant and Unavoidable.



- "The negative visual impacts include the visible utility lines; removal of trees and vegetation; and installation of retaining walls and sound walls necessary to widen the roadway." Visual Impact Assessment at 3.
- "After construction, SR-74 would feel less like a residential community drive and more of a thoroughfare." MND at 2-48.
- "As depicted in the visual simulation (Figure 12), most of the existing streetscape would be taken out on the northern side to accommodate the new widening. This includes the meandering sidewalk, the existing trees and lawn, as well as any existing ornamental landscaping." Id.
- "The visual impacts of the retaining and the sound walls on both the motorists and the residential viewers would be negative." <u>Id</u>. at 2-53.
- "Due to the removal of the mature trees on the north side and the addition of a sound wall on the south side, the views of the overhead utility lines and the disturbed landscape would contribute to a negative visual impact at [the location of Assessment Point #3]." Id. at 2-55.
- "The overall visual quality at [Assessment Point #5 will have] been negatively impacted." MND at 2-63.

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One particularly significant and unavoidable visual impact caused by the Project is the removal of approximately 110 trees along this 0.9 mile stretch of road. MND at 1-16, 2-63, 2-64. Instead of being surrounded by these trees, drivers traveling along the widened highway will be hemmed in by a sound wall to the south and a retaining wall to the north. MND at 2-63, 2-64. Worse yet, as the MND admits, Caltrans guidelines prohibit the planting of trees within 30 feet of travel lanes for which the posted speed is 35 mph or greater. MND at 1-16. Therefore, the shade, beauty and rural ambience created by these 110 trees will be lost forever. Caltrans must analyze these potentially significant aesthetic impacts in an EIR.

2. Proposed Mitigation Is Inadequate to Reduce Impacts to Level of Insignificance.

The Visual Impact Assessment recognizes that "the entire project need[s] appropriate mitigation development and implementation to reduce any negative impacts." Visual Impact Assessment at 45. However, the mitigation measures actually proposed do very little to mask the dramatic, negative change in scenery along the Ortega Highway. Moreover, the MND defers the selection and design of most of the mitigation measures until after Project approval. Thus, the conclusion in the MND that the proposed mitigation will reduce the adverse impacts to insignificance (MND at 2-63; Visual Impact Assessment at 46) is unsupported by any evidence or analysis.

The only measures proposed to mitigate the Project's admittedly significant aesthetic impacts are: (1) designing the retaining walls and sound walls to blend in with the surroundings; (2) planting shrubs, vines, and small trees (i.e., trees with trunks that will be no larger than 4 inches in diameter when the tree is mature) in front of the retaining walls and sound walls; (3) undergrounding utilities; and (4) planting trees in other parts of the city. MND at 2-63, 2-64.

These proposed mitigation measures simply do not and cannot reduce to insignificance the admittedly severe aesthetic impacts caused by the widening Project. When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. Sacramento Old City Assn. v. City Council of Sacramento, 229 Cal.App.3d 1011, 1027 (1991); Kings County Farm Bureau v. City of Hanford, 221 Cal.App.3d 692, 726-29 (1990). There is no such evidence in the record for this Project. The post-construction simulations included in the

⁴ The Visual Impact Assessment also proposes terracing the retaining walls and landscaping the terracing to mitigate the aesthetic impacts of the Project. Visual Impacts Assessment at 46. The MND omits any reference to this mitigation measure, without analyzing whether it is feasible.



Visual Impact Assessment and MND incorporate the mitigation measures listed above. A comparison of the before and after shots shows that, even with shrubs, small trees, and Plexiglas sound walls, the impacts remain significant. What was once a tree-lined, two-way road will become a walled-in, four-lane thoroughfare through a concrete canyon.

The MND also improperly defers the selection of the actual mitigation measures until after Project approval. The Visual Impacts Assessment recommends that "an aesthetic committee comprised of community leaders, City officials, and Caltrans landscape architects can best determine how to mitigate the disturbed areas." Visual Impacts Assessment at 45. The MND leaves open the question of whether any trees will be planted along the highway, how many, and where, as well as the type of sound wall and retaining wall that will be used. See Visual Impact Assessment at 5 ("The determination of the final design of the retaining walls is at a later date."); MND at 1-14 ("There are four types of retaining walls under consideration, all of which are designed to meet Caltrans Division of Structure requirements . . . During the design phase the wall type will be finalized."). Similarly, the MND leaves the final landscaping plans open until after Project approval. MND at 1-16 ("This proposed landscaping, with input from the City, would be designed to blend with the natural environment."). This deferral is in direct conflict with the requirements of CEQA and the Guidelines. Sundstrom, 202 Cal.App.3d at 306. Moreover, because it defers the development of these mitigation measures, the MND lacks any evidence to support its conclusion that the measures will reduce the Project impacts to a level of insignificance.

Finally, the simulations included in the MND understate the remaining visual impacts after mitigation. For example, the simulations of the Project from Visual Assessment Points 2 and 3 show only what the Project would look like if the Plexiglas sound wall model is used. See MND at 2-53, 2-55. However, as the MND recognizes, the sound wall could also be constructed out of "aesthetically treated concrete," MND at 2-63, or could be opaque "Sound Fighter" walls, MND at 1-14. Only one simulation (Figure 26) shows what appears to be a treated concrete sound wall, and none shows the visual impact of opaque sound walls. In addition, as Tom Brohard notes in his letter, attached hereto as Exhibit A, Figures 22, 26, 27, and 28 misrepresent—and, indeed, understate—the visual impacts of the road widening itself by showing the proposed new lanes to be narrower than they will be. Figure 12, which purports to simulate the view from Visual Assessment point #1 after Project construction, shows an open rail fence and gravel path alongside the highway. These features seem to improve the aesthetic quality of the road, but are not incorporated as part of the Project. An accurate representation of the proposed Project would almost certainly show an even greater aesthetic impact than the simulations represent. Therefore, Caltrans must prepare an EIR to analyze the Project's potentially significant aesthetic impacts.

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3. The Methodology Used in the MND Understates the Significant Aesthetic Impact of the Project.

To characterize the visual and aesthetic impacts of the proposed Project, the Visual Impacts Assessment and MND used the methodology adopted in the FHWA Publication FHWA-HI-054. This methodology attempts to establish a scientific basis for characterizing the severity of aesthetic impacts, but, in doing so, resorts to speaking about the aesthetic impacts in only the most general and abstract way. For example, although the photo simulations of the view from Visual Assessment Point # 3 clearly show a significant, adverse impact as a result of the removal of the meandering sidewalk, ornamental landscaping, and mature street trees and the construction of a four meter high sound wall (see Figure 22), the Assessment does not state that the change represents a significant impact. Rather, it concludes that "the perceptual quality factors and sensitivity to change factors after construction are of moderate/low quality and have a negative visual effect." Visual Impacts Assessment at 31. This conclusion, replete with euphemistic jargon, provides no guidance as to whether these impacts are significant under CEQA. Nor does the MND attempt to explain the connection between the Assessment's conclusions and any threshold of significance.

The MND's application of the FHWA methodology further dilutes the obvious adverse impacts of the proposed Project by noting that the Project will not obstruct any "landforms" or "water features." See Visual Impacts Assessment at 17, 23, 29, 35, and 41. The inquiry into whether a proposed project will block such features is clearly a generic question meant only to be applied when landforms or water features actually exist in view of the project site. Here, there are no landforms or water features to be seen. Yet, by including this question in the aesthetic analysis of the Project and concluding that the Project will not obstruct these (non-existent) features, the MND makes the Project impacts appear to be less significant than they really are.

Finally, the MND omits any discussion of why only five visual assessment points were selected, and whether these five points show the most significant visual impacts caused by the Project. Adequate environmental review must include such an explanation, and must support the selection of a limited number of assessment points with substantial evidence. The MND does not do so. Moreover, assessing the existing and projected views from only five visual assessment points fails to capture the sense of driving or walking the entire stretch of road. Additional photos of the existing aesthetic resources in the Project area, attached as Exhibit C, better demonstrate just how scenic this road is.

31

4. The MND Fails to Present Sufficient Information about Potentially Significant Aesthetic Impacts.

In addition to the flaws described above, the MND fails to present the following information and analysis, all of which is essential to adequate review of the Project's aesthetic impacts: (1) an analysis of the Project's impacts to the public view from the equestrian trail running along the north of the highway; (2) whether there will be any new lighting along the highway, which could have significant aesthetic impacts to motorists and residents.

All of the reasons described above establish a fair argument that the proposed Project will have potentially significant aesthetic impacts. Therefore, Caltrans must analyze these impacts in an EIR.

C. The Project Will Have Significant Traffic Impacts.

As detailed in the attached letter from Tom Brohard, a Licensed Civil Engineer and Licensed Traffic Engineer in California, the Project will have potentially significant transportation and circulation impacts that were not analyzed or disclosed in the MND. Mr. Brohard's letter is attached hereto as Exhibit A.

In sum, Mr. Brohard concluded that the traffic analysis supporting the MND is severely flawed. Contrary to the unsubstantiated conclusion drawn in the MND, widening the highway from two to four lanes will create significant, adverse impacts on traffic turning onto or crossing the highway from the side streets. Brohard Letter at 4. The suggested mitigation for this impact—allowing traffic to turn right onto the highway, cut across two lanes of traffic, then make a U-turn—is infeasible because the widening will not create sufficient room to perform a U-turn. Id. at 5. Mr. Brohard also identified numerous errors in the Traffic analysis that underlies the conclusions in the MND. For example:

- The Traffic Study did not conduct traffic counts at all affected intersections, the traffic counts relied upon are outdated, and the traffic count inputs contain significant errors. <u>Id</u>. at 3.
- The analysis omitted any discussion of the impacts of increased speeds (including potential increases in collisions with other cars, pedestrians, equestrians, and bicyclists). <u>Id</u>. at 6.
- The MND failed completely to analyze the adverse impacts to pedestrians, equestrians, and bicyclists associated with removing the existing sidewalk, placing

31

32

a bicycle lane alongside traffic moving at speeds at or above 60 mph, and leaving all intersections unsignalized. <u>Id</u>. at 7.5

In addition, after noting that no meaningful alternatives to the Project have been analyzed in the MND, Mr. Brohard describes and develops an alternative that would increase capacity without creating dangerous conditions and would allow Caltrans to maintain much of the rural ambience of the Ortega Highway. <u>Id.</u> at 10. This analysis presents a fair argument that the Project will have potentially significant traffic impacts. These impacts must be analyzed in an EIR.

D. The Project Will Have Potentially Significant Air Quality Impacts.

As detailed in the attached letter from Greg Gilbert, the MND fails to adequately analyze and propose mitigation for the Project's potentially significant air quality impacts. Mr. Gilbert's letter is attached hereto as Exhibit B.

After reviewing the MND and accompanying Air Quality Assessment, Mr. Gilbert concludes that these documents omit essential information and analysis and therefore are inadequate under CEQA. In particular, the MND fails to analyze the Project's construction-related impacts, including the impacts associated with diesel emissions from construction equipment. Such analysis is not only feasible, but is commonly performed in CEQA documents, and a number of methods and models exist to assist Caltrans in performing that analysis for this Project. Diesel particulate matter ("DPM"), a toxic air contaminant and known carcinogen, poses a potentially significant risk to nearby residents and other sensitive receptors.

Because the construction-related air quality impacts are potentially significant, Caltrans must propose and analyze adequate mitigation measures to reduce these impacts. Again, the MND fails to conduct such analysis, and instead relies on generic, inadequate, and unenforceable measures to mitigate these potentially significant impacts. Finally, as will be discussed in more detail below, the MND fails to adequately analyze the Project's contribution to global warming, and associated environmental impacts. Mr. Gilbert's analysis presents a fair argument that the Project will have potentially significant air quality impacts, and therefore Caltrans must analyze these impacts in an EIR.

⁵ Indeed, the MND's conclusion that signals are not warranted at the affected intersections is inconsistent with its conclusion that traffic demand is high enough to make the expansion necessary.

E. The Project Will Have Potentially Significant Water Quality Impacts.

The MND's treatment of the Project's water quality impacts fails to provide the public and decision-makers with essential information about the Project and then defers the development of all mitigation measures until after Project approval. This lack of analysis and deferral of mitigation renders the MND inadequate. Moreover, from the scant information provided, it appears the Project may have significant water quality impacts, and therefore Caltrans must analyze those impacts in an EIR.

According to the MND, construction of the Project would require the disturbance of approximately 4.54 acres of soil. MND at 2-79. The completed Project would create 2.3 acres of new impervious surface. <u>Id</u>. Stormwater run-off from the Project area discharges into nearby San Juan Creek. MND at 2-77.

The MND goes on to identify the following potentially significant Project impacts: the average runoff coefficient for the Project Limits would increase from 0.87 to 0.88; erosion and siltation may temporarily increase during construction, entering the San Juan Creek Watershed; dewatering may be necessary and, if it is, may result in the addition of certain pollutants to San Juan Creek; the increase in traffic on the highway may result in an increase in the amount of vehicle-related pollutants discharged into the watershed; the change in the drainage system would direct more runoff into constructed drainages and would increase streamflow. MND at 2-75 – 80. These facts raise serious concerns about the Project's impacts to the water quality of groundwater in the region as well as San Juan Creek, which already has poor surface water quality and is designated as impaired for bacteriological indicators. MND at 2-77.

Instead of providing any facts or analysis to show that these impacts will be reduced to insignificance, the MND provides only unsupported conclusions. For example, the MND concludes that any increase in the amount of motor vehicle pollutants would not "substantially affect surface water quality provided that temporary and/or permanent mitigation measures are incorporated in to the project plans." MND at 2-80. This "analysis" fails to inform the reader about: (a) what type of vehicle-related pollutants would be increased and by how much; (b) what mitigation measures are proposed; and (c) how those as-yet-undefined mitigation measures would reduce the potentially significant impacts. The MND also opines that "[t]he amount of pollutants created from traffic congestion during peak periods may decrease due to the relief in current traffic congestion that the proposed project is expected to provide." Id. (emphasis added). This statement, however, is pure speculation; there is no data or analysis accompanying it.

Another glaring omission appears in the MND's treatment of the potential impacts of "dewatering." As a preliminary matter, the MND does not describe what this process is or when it is used, making it impossible for the reader to determine the

34

Department of Transportation, Environmental Planning September 6, 2007 Page 16

likelihood that dewatering will be necessary for this Project. According to the MND, the water quality impacts of discharging water extracted through the dewatering process are potentially significant:

Extracted groundwater may contain pollutants which may be a result of the decomposition of organic materials (e.g., hydrogen sulfide); leaking underground storage tanks and fuel lines; surface spills; sewage; past use of liquid waste impoundments; or the presence of nutrients (phosphorous and nitrogen compounds).

MND at 2-80. Moreover, as the MND indicates, Caltrans could have determined whether dewatering will be required for the Project by taking soil boring samples within the proposed Project Limits. <u>Id</u>. However, this testing was not done as part of the analysis for the MND. Deferring this analysis clearly violates the core purpose of CEQA: to identify the environmental impacts of a project <u>before</u> approving it. <u>San Joaquin Raptor Rescue Center v. County of Merced</u>, 149 Cal.App.4th 645, 684-85 (2007).

Digging itself deeper into a CEQA hole, the MND then defers the development of any mitigation for these potentially significant impacts, stating only that, "[i]f dewatering is required, the project shall fully conform to the requirements of the San Diego RWQCB." MND at 2-82. The MND contains no description of these requirements, much less any analysis whether they would or could reduce the potentially significant water quality impacts to a level of insignificance. Such information and analysis is essential to adequate environmental review.

The MND also fails to support the conclusion that the increase in impervious surfaces, and the accompanying diversion of runoff into constructed drainages, will have an insignificant impact on surface water quality and ground water quantity. The additional volume and velocity of run-off that would enter the San Juan Creek from constructed drainages (rather than from pervious areas of natural drainage) could result in increased erosion in the Creek. The MND recognizes that the increased flow will also result in a decrease in the amount of water available to recharge the groundwater basin. MND at 2-90. This decrease is potentially significant because two water districts are actively pumping groundwater for supplemental domestic use in the area. MND at 2-78.

The only rationale offered as to why these impacts will not be significant is that "the increased area of impervious surface is extremely small in comparison to the local watershed." <u>Id</u>. However, by that reasoning, the impacts of a project five times as large as this one would still be considered insignificant, given the size of the watershed (176 acres). Obscuring the impacts further, the MND does not inform the reader of how many acres within the watershed have already been covered with impervious surface. As numerous studies have concluded, the creation of impervious surfaces can have

significant, adverse impacts on the health of streams. See Andrew Wheeler, et al., Impacts of New Highways and Subsequent Landscape Urbanization on Stream Habitat and Biota (2005), attached hereto as Exhibit D. An appropriate threshold of significance would be the creation of one or more acres of impervious surface. This threshold coincides with the State Water Resources Control Board requirement that Caltrans obtain a Statewide NPDES Storm Water Permit whenever a project will create more than one acre of impervious surface. MND at 2-76.

Caltrans must analyze these potentially significant impacts in an EIR. This analysis must provide additional information necessary to determining the impacts of adding 2.3 acres of impervious surface at this location. For example, what additional quantity of run-off will be diverted into the impervious "constructed" drainages? Will the velocity of the run-off increase? Where does the drainage enter the San Juan Creek? Is the streambed lined or natural? Will the diversion of water from natural channels to constructed drainages have any impacts on aquatic habitats (wetlands, springs, and seeps) in the Project area and beyond?

This analysis must also provide more information about the mitigation measures proposed (e.g., the type of stormwater treatment measures, the secondary environmental impacts, if any, etc.) and must demonstrate that they will actually reduce the potentially significant impacts to a level of insignificance. The MND, to the contrary, simply requires compliance with existing regulations. These regulations, however, are designed to reduce pollution from stormwater run-off to the "maximum extent practicable." They do not ensure that the impacts will be reduced to a level of insignificance. For example, a stormwater treatment measure necessary to reduce impacts to a level of insignificance may not be practicable, and thus may not be required under the regulations the MND relies upon. This fact is recognized in the Program EIR for the 2004 Southern California Association of Governments Regional Transportation Plan ("RTP EIR"), which concludes that, even if such measures as drainage channels, vegetated buffers, SWPPPs and revegetation are incorporated into transportation projects, their impacts to local surface water would remain significant. Exhibit F, Excerpts of RTP EIR, at 3.12-22 - 27; see also 2006 OCTA Long Range Transportation Plan Final PEIR ("Long Range Plan EIR") at 4.7-20 – 21 (concluding that road widening and construction projects could result in residual erosion and sedimentation impacts that remain significant even if the lead agency complies with water quality requirements, uses infiltration and detention devices, and implements sediment control plans).6

⁶ Additionally, the MND relies extensively on the use of Best Management Practices, or "BMPs," to reduce the Project's water quality impacts. However, all BMPs are not created equal. See Exhibit G, describing cutting edge stormwater treatment measures. The revised environmental document must analyze specific BMPs in order to determine whether they would actually reduce the Project's water quality impacts to a less-than-significant level.

In short, this MND fails to provide any support for its conclusion that the Project's impacts on water quality will be less than significant. To the contrary, there is a fair argument that the Project's water quality impacts will be potentially significant. Therefore, an EIR must be prepared to analyze these impacts.

F. The Project Will Have Potentially Significant Growth-Inducing Impacts.

CEQA requires that an environmental document include a "detailed statement" setting forth the growth-inducing impacts of the proposed project. See Public Resources Code § 21100(b)(5); City of Antioch v. City Council of Pittsburg, 187 Cal.App.3d 1325, 1337 (1986) (invalidating negative declaration that failed to consider growth-inducing impacts). The statement must "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines § 15126.2(d). It must also discuss how a project may "encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively" or "remove obstacles to population growth." Id.

Rather than setting forth a "detailed statement" of growth-inducing impacts as required under CEQA, the MND dismisses the growth inducing potential of the Project with unsupported, conclusory statements. See, e.g, MND at 2-19 ("The proposed SR-74 widening from Calle Entradero east to the City of San Juan Capistrano/County border would not have any growth-inducing effect in the immediate area because the adjacent land is built out with and/or entitled for suburban, mostly single-family residential uses."); MND at 2-21 ("The No Build and Build Alternatives are not expected to cause growth-inducing impacts. Therefore, measures for avoidance, minimization, or mitigation are not proposed."). These conclusions are based on two assumptions: (1) that the region to be served by the Ortega Highway is already either developed or entitled to development; and (2) that the Project would only provide enough capacity to serve existing traffic and traffic anticipated as a result of the Rancho Mission Viejo ("RMV") development. The first assumption is flatly contradicted by other facts in the MND; the second assumption does not support the conclusion that the Project is non-growth inducing.

As the MND recognizes, the area to the east in unincorporated Orange County and Riverside County is largely undeveloped. See MND at 2-8 (Orange County General Plan designates land uses along SR-74 as Open Space); 2-17 (land to the east of the Project in unincorporated Orange County is primarily undeveloped); 2-18 (large amounts of undeveloped land in Riverside County). Moreover, lower housing costs in Riverside County have led to a population boom in that area that is projected to continue over the next twenty years. MND at 2-17. The Ortega Highway is currently used by

35

commuters traveling between Riverside and southern Orange Counties. MND at 2-20; see also MND at 2-34 ("SR-74 is part of the State Freeway and Expressway system. It provides interregional access between the employment centers of south Orange County and the residential centers of Riverside County."). By widening the Ortega Highway, and increasing its capacity, 7 the Project will remove one of the primary barriers to growth in eastern Orange County and Riverside County: inadequate traffic capacity. Moreover, according to the MND, this Project is just the first step in a larger plan to widen the entire length of SR-74 from I-5 east to the Orange County/Riverside County border. MND at 2-18; MND at 2-20.8 Such a project would clearly promote further development in Riverside County. Thus, even if this Project's individual growth-inducing impacts are determined to be insignificant, its impacts are cumulatively considerable when taken in the context of this larger project. These potentially significant impacts must be analyzed in an EIR.

The MND also reasons that the Project is not growth-inducing because it will provide only just enough capacity to serve existing and entitled development in the area. This rationale is flawed because it uses the wrong baseline for analysis. Although the Rancho Mission Viejo ("RMV") project has been approved, it has not been constructed. This road widening Project actually makes the RMV development practically feasible and more valuable by reducing congestion on a major commuter route to the RMV area, thereby facilitating (i.e., inducing) the development there. Moreover, in the months and years between the approval and construction of this Project and the completion of the RMV development, the increased capacity of the highway would likely encourage and facilitate additional growth in the area.

Because the Project will have potentially significant growth-inducing impacts, Caltrans must prepare an EIR for the Project.

G. By Exacerbating the Current Jobs-Housing Imbalance in the Region, the Project Will Have Potentially Significant Environmental Impacts.

Under CEQA, any environmental review must analyze the proposed project's potential impacts related to population, housing and jobs. See CEQA

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26

⁷ The MND acknowledges that capacity will increase. Table 2.1.4-1, Mainline LOS Summary, shows major increases in Peak Hour Facility Capacity over existing with the Build Alternative. These same increases in Facility Capacity simply do not occur under the No Build option.

⁸ It is actually unclear whether this larger widening project will transpire. The Orange County Transportation Authority ("OCTA") apparently no longer supports the widening of SR-74 due to high costs and the significant, adverse environmental impacts of such a project. See OCTA Major Investment Study Update, attached hereto as Exhibit H.

Guidelines, Appendix G § XII. Although the MND is silent on these issues, it appears that the Project will likely create the need for scores if not hundreds of new employees, who, in turn, will place an increased demand on the local housing market. The increase in employment and consequent demand for additional housing are considered to be "economic and social effects" under CEQA, and therefore may not, by themselves, constitute a significant environmental impact. CEQA Guidelines § 15131. However, where these impacts directly lead to significant, physical environmental impacts, they must be considered in an EIR. CEQA Guidelines §§ 15131, 15064(f) and 15382.

The MND ignores the environmental impacts resulting from a serious imbalance between the location of jobs (in Orange County) and the location of affordable housing (in Riverside County). The MND notes that many people have moved from Orange County and Los Angeles County to Riverside County to take advantage of the lower housing costs there. MND at 2-17. In fact, according to the Riverside County Integrated Project, an entity comprised of local agencies and governments as well as constituents in Riverside County:

Currently, Western Riverside County has approximately 0.25 jobs per resident. By comparison, Orange County has approximately 0.48 jobs per resident. Current demographic forecasts approved by the Southern California Association of Governments (SCAG) indicate that Riverside County will add approximately 0.39 jobs per additional resident. Orange County is projected to add 1.3 additional jobs per additional resident (1998 Regional Transportation Plan, Southern California Association of Governments) These ratios are being adjusted downward in the 2001 update of the Regional Transportation Plan, but will likely be in the same general range.

Riverside County Integrated Project, Purpose and Need Statement for the Riverside Integrated Project at 7 (2000) (http://www.rcip.org/pdf files/transportation/P&NBanBeau Tem120400.pdf), attached hereto as Exhibit T.

Construction of the Project would create jobs in San Juan Capistrano, thus creating a demand for additional housing for the workers. By facilitating the commute from Riverside County to the coast, the Project will also exacerbate the jobs-housing imbalance in the region, and create additional housing demand in eastern Orange County and Riverside County. These impacts were not addressed in the MND. Because they are potentially significant, these impacts must be addressed in the EIR.

The Project area in particular is a magnet for workers. The area served by the widening includes high end homes (which rely on low cost services such as housekeepers, nannies and gardeners) as well as recreational destinations (which also rely on low cost service workforces (e.g. restaurants and other hospitality uses such as

hotels)). These workers will likely not be able to afford housing in the San Juan Capistrano area. The MND fails to provide any data on this jobs-housing relationship.

The result of this jobs-housing imbalance is that total commute times—and total VMT—will increase. This increase, in turn, will result in greater air pollution, increased greenhouse gas emissions (discussed more below), and thus an increased contribution to the global warming crisis. Thus, individually and cumulatively, the Project could have significant air quality, growth inducing, and climate change impacts due to its exacerbation of the existing jobs-housing imbalance. These potentially significant impacts were completely overlooked in the MND. Because there is a fair argument that these impacts will be significant, Caltrans must analyze them in an EIR.

H. The Additional Traffic Induced by the Project Will Have Potentially Significant Environmental Impacts.

Transportation Planners have long been aware that the State cannot build its way out of traffic congestion. That is why there is growing interest in smart land use patterns that increase density, improve jobs-housing balance and allow development with a mix of uses to increase walkable, transit-friendly alternatives to the single occupancy vehicle commuter. Recent studies have demonstrated the link between highway expansion and increased vehicle miles traveled:

The preponderance of empirical evidence to date suggests that induced effects [of road projects] are substantial. A widely cited study by Hansen and Huang (1997), based on 18 years of data from 14 metropolitan areas, found every 10 percent increase in lanes miles was associated with a 9 percent increase in vehicle miles traveled (VMT) four years after road expansion, controlling for other factors. Another study of 70 U.S. metropolitan areas over a 15-year time period concluded that areas investing heavily in road capacity fared no better in easing traffic congestion than areas that did not (Surface Transportation Policy Project, 1998). Based on a meta-analysis of more than 100 road expansion projects in the United Kingdom, Goodwin (1996) found that proportional savings in travel time were matched by proportional increases in traffic on almost a one to one basis, a finding that prompted the U.K. Government to jettison its longstanding policy, "predict and provide", of responding to trafficgrowth forecasts by building more motorways.

Robert Cervero, Road Expansion, Urban Growth, and Induced Travel: A Path Analysis, at 1 (Dept. of City and Regional Planning, Institute of Urban and Regional Development, UCB, July 2001), attached hereto as Exhibit K. The Surface Transportation Policy

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Project, ⁹ cites a growing body of research that widening highways is only a temporary solution at best to the complex problems of traffic congestion. In the long run, new and wider highways actually create additional traffic above and beyond what can be attributed to population increases and economic growth. This phenomenon is referred to as "induced traffic." According to the Surface Transportation Policy Project website, 100% of additional VMT in Los Angeles County is attributable to "induced traffic"; 72.6% of additional VMT in San Diego County is attributable to it. See Surface Transportation Policy Project California, http://www.transact.org/Ca/congestion2.htm, attached hereto as Exhibit L.

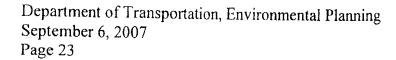
These studies indicate that highway-widening projects, such as the proposed Project, actually induce additional traffic—they do not simply "accommodate" existing or predicted traffic. The MND fails to calculate the amount of additional traffic the Project will induce, and fails to discuss any of the potentially significant impacts related to this induced traffic. These impacts include, but are not limited to, increased air pollution, increased traffic congestion, and increased growth in the undeveloped portions of Orange and Riverside Counties. The potential for increased vehicle emissions also creates additional climate change impacts. Caltrans must analyze these impacts along with possible mitigation in an EIR.

I. The MND's Analysis of the Project's Contribution to Climate Change Is Inadequate.

There is no longer any question that global warming will result in significant environmental impacts in California. The California Climate Action Team's 2006 Report to Governor Schwarzenegger details the science behind, and the environmental impacts of, global warming. Portions of that report are attached hereto as Exhibit I. The Climate Action Team report makes clear that the release of greenhouse gases ("GHGs") into the atmosphere leads to global warming, which in turn leads to myriad environmental impacts. As stated in AB 32, the California Global Warming Solutions Act:

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The Surface Transportation Policy Project is a diverse, nationwide coalition working to ensure safer communities and smarter transportation choices that enhance the economy, improve public health, promote social equity, and protect the environment. STPP's California field offices provide assistance to local transportation agencies, elected officials and citizen groups in order to help stakeholders take advantage of the new opportunities available under the federal transportation bill to link transportation to land use, housing, social equity, livable communities and smart growth. STPP California is helping to build regional and statewide coalitions, conduct research and analysis, and identify funding sources for innovative transportation projects and programs throughout the state.





Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

Because global warming significantly impacts the environment, lead agencies must consider their projects' individual and cumulative contributions to this impact in their CEQA analyses.

Despite the severity of the threat posed by climate change, the MND provides only a superficial analysis of the Project's contribution to the problem. Without any analytical or factual support, the MND arrives at two conclusions: (1) it is not technically feasible to calculate a project's individual contribution to the cumulatively significant climate change impact; and (2) the Project will reduce emissions of carbon dioxide (one of the GHGs responsible for global warming) by improving the level of service within the Project area. Neither conclusion is correct. Therefore, an EIR must be prepared to analyze the Project's potentially significant contribution to global warming.

1. A Methodology Is Available to Calculate a Project's Contribution to Global Warming

Contrary to the MND's conclusion, it is possible to determine a project's contribution to global warming. The data essential to such quantification is readily available, including the increased number of vehicle miles traveled ("VMTs") on account of the Project, the amount of carbon dioxide and other GHGs emitted from vehicles per VMT, etc. Construction-related GHG emissions (including emissions resulting from construction of the project itself, as well as from producing the materials needed for the construction) may also be calculated. A more detailed description of the methodology for calculating a project's GHG emissions can be found in Mr. Gilbert's letter, attached hereto as Exhibit B. The fact that no federal, state or regional regulatory agency has created a computer model or formula for this calculation does not excuse a lead agency from analyzing its project's environmental impacts.



Establishing a standard of significance for a project's individual and cumulative contribution to global warming is similarly feasible. While choosing and applying a standard of significance are the lead agency's responsibility, we suggest that AB 32, the California Global Warming Solutions Act, may provide some guidance. This new law requires that California's GHG emissions be reduced to 1990 levels by 2020. A

reasonable standard of significance would determine that a project has a significant impact if its emissions would obstruct achievement of that goal. Because AB 32 requires a statewide reduction in emissions, any project that adds GHGs to the atmosphere without providing for at least a corresponding reduction in GHG emissions will have a potentially significant impact. This approach is in line with the Legislature's clearly stated direction that California must reduce its carbon emissions. Moreover, the finding of significance leads to the most important part of climate change analysis under CEQA—mitigation (discussed further below).

2. This Project's Contribution to Global Warming Will Be Cumulatively Considerable.

Here, the MND has concluded that the Project would reduce carbon dioxide emissions by improving the traffic flow in the Project area. This conclusion is incorrect. First, as discussed in Mr. Brohard's letter, attached hereto as Exhibit A, the Project would actually decrease the Level of Service on side streets. Second, according to the MND's own discussion, "the highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour) and speeds over 55 mph." MND at 2-98 (emphasis added). By widening the highway to four lanes, the Project would enable vehicles to travel at speeds over 55 mph, and thus may actually increase the carbon dioxide emissions of these vehicles. Third, the MND fails to consider the increased GHG emissions caused by the construction of the Project. Fourth, as described above in Section IV(H), a growing body of literature shows that widening highways does not simply accommodate or re-route pre-existing traffic volumes, but induces additional vehicle traffic. See Exhibits J-Q. Thus, widening this stretch of the Ortega Highway will likely increase the total number of VMTs, and an increase in VMTs is directly correlated to an increase in GHG emissions.

For all of these reasons, the Project may contribute in a cumulatively considerable way to the significant impacts of global warming. Caltrans must prepare an EIR to analyze these potentially significant impacts. The EIR must, at the very least, inventory the GHG emissions (1) attributable to increased VMTs and traffic conditions, (2) generated through the Project's energy consumption, and (3) attributable to the manufacturing and lifecycle of the materials used for the construction Project. This inventory must break out its estimates of GHG emissions by source to facilitate the design of appropriate mitigation measures. Finally, the EIR must analyze all the emissions of all types of greenhouse gases, not just carbon dioxide. Other gases that contribute to climate change include, but are not limited to, methane (CH4), Nitrous Oxide (N2O), and hydrofluorocarbons (HFCs). See Exhibit I at 11-12.

If the Project will result in increased GHG emissions (which, we have argued above, it will), the EIR must also propose and analyze feasible mitigation measures to reduce this significant impact. Such measures include transit measures,

38 d.



which will reduce VMTs, and measures to increase the Project's energy efficiency. Sample measures for reducing a project's contributions to climate change are presented in the Climate Action Team Report. See Exhibit I at 47-63.

If these emission-reduction measures are insufficient to reduce the Project's climate change impacts to a less than significant level, then a revised analysis must identify and analyze mitigation that reduces the net effects of the Project's own emissions. Planting trees may be one such measure. Trees sequester carbon; planting sufficient acreage could counterbalance some of the Project's emissions. Another option would be offsetting the Project's emissions, either through contributing to the financing of sustainable energy projects or through the purchase of carbon credits. These programs are increasingly common and thus raise no issue of infeasibility. For example, one agency, Alameda County ("AC") Transit, installed a 621-kilowatt solar electric system at their facilities in Hayward and Oakland in order to offset the greenhouse gas emissions from their hydrogen production facility. See PRNewswire, SunPower, MMA Renewable Ventures Dedicate 621-Kilowatt SunPower Solar Electric System at AC Transit (Aug. 2, 2007), attached hereto as Exhibit R.



In sum, because of the Project's potentially significant growth-inducing and traffic-inducing impacts, its contribution to global warming may be cumulatively considerable. Caltrans must therefore analyze these potentially significant impacts in an EIR.

J. The Project's Contribution to Significant Cumulative Impacts Is Considerable.

CEQA unequivocally requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. These impacts may result from a number of separate projects, and occur when "results from the incremental impact of the project [are] added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. Guidelines §§ 15355(a)-(b). A lead agency must prepare an EIR if a project's possible impacts, though "individually limited," prove "cumulatively considerable." CEQA § 21083(b); Guidelines § 15064(h)(1).

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In <u>San Bernadino Valley Audubon Society v. Metropolitan Water District of Southern California</u>, 71 Cal.App.4th 382, 386, 399 (1999), for example, the court invalidated a negative declaration and required an EIR be prepared for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration's "summary discussion of cumulative

20

impacts is inadequate," and that "it is at least potentially possible that there will be incremental impacts... that will have a cumulative effect." See also Kings County Farm Bureau, 221 Cal.App.3d at 729 (EIR's treatment of cumulative impacts on water resources was inadequate where the document contained "no list of the projects considered, no information regarding their expected impacts on groundwater resources and no analysis of the cumulative impacts").

In contravention of the above authorities, the MND provides only a cursory discussion of the Project's cumulative impacts. This anemic discussion is inadequate under CEQA for a number of reasons.

First, the MND only identifies projects in or immediately adjacent to San Juan Capistrano as cumulative development and road projects. The Ortega Highway serves much of eastern Orange County and continues on to Riverside County. As the Project background section notes, "commuters who travel from Riverside County to southern Orange County commonly use SR-74." MND at 1-2. Thus, any analysis of cumulative impacts must consider the effects of past, present and reasonably foreseeable future development in eastern Orange County and Riverside County.

Second, the MND must do more than just list past, present, and future development projects; it must analyze if or how the proposed Project, together with these other area projects, will cumulatively impact the environment. The MND circulated by Caltrans omits any such analysis.

Third, the MND explicitly refuses to consider the Project's potential cumulative impacts to a number of resources (including land use, growth, population and housing, farmland, and air quality) because the Project by itself will not have a significant impact on these resources. This reasoning turns the purpose of the cumulative impacts analysis on its head. As noted above, the whole point of the cumulative impacts analysis is to identify impacts that are insignificant when viewed individually, but are significant when viewed in connection with other development in the area. See Guidelines §§15355(a)-(b). Thus, even if the Project's individual impacts to growth or air quality are insignificant (a proposition we dispute), the Project's impacts could be cumulatively significant. Environmental review for this Project must address these potentially significant cumulative impacts.

Fourth, the MND omits any discussion of potential cumulative impacts associated with the simultaneous construction of the Project and the County's widening of the Ortega Highway. According to the MND, these two projects would be constructed at the same time. MND at 1-9. Construction impacts, including impacts to air quality, noise, and traffic, are potentially significant when considered cumulatively.

Some of the analysis that is missing from the MND can be found in other environmental documents, each of which concludes that the cumulative impacts of road improvement projects in the region are significant. The EIRs prepared in conjunction with the Long Range Plan and the RTP provide substantial evidence that, when considered cumulatively, road improvements in the region (including the Project) will have significant adverse impacts on at least the following resources: air quality, growth, water quality, aesthetics, and population and housing. See Exhibits E and F. 10

Because the Project's contribution to a variety of cumulative impacts is considerable, Caltrans must prepare an EIR and consider whether any mitigation measures could reduce this significant impact. According to Guidelines § 15130(a)(3), a project's cumulatively considerable impact may be rendered "less than cumulatively considerable" if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. One possible mitigation measure would be for Caltrans to implement the guidelines developed by the WRCOG-OCCOG Interregional Partnership, an ongoing collaborative between the Orange County Council of Governments ("OCCG") and the Western Riverside Council of Governments ("WRCOG") with the primary goal of fostering more sustainable land use patterns, providing appropriate employment closer to where people live, and locating more affordable housing closer to jobs. Another possible mitigation measure would be for Caltrans to participate in state and local planning efforts to balance jobs and housing respectively in Orange and Riverside counties, thereby reducing the need for increased road capacity to accommodate commuters. See Exhibits S and T.

Caltrans regularly participates in regional planning by providing modeling for alternative growth scenarios and financial support for planning studies. Among their recent reports is the California Regional Progress Report, 2007, completed by the California Center for Regional Leadership in partnership with Caltrans and CALGOG. The report refers to the SCAG integrated growth strategy, which, among other matters, targets achieving a better balance of jobs and housing in each County to reduce the commute demand. See www.scag.ca.gov The report concludes that, with skyrocketing Vehicle Miles Traveled, focus needs to be on more efficient land use and transit. Id. at 53.



These conclusions also contradict the MND's unsupported predictions that standard mitigation measures, such as the implementation of a SWPPP or compliance with standard air pollution control measures, will reduce the Project's impacts to a less than significant level. See, e.g., Exhibit F at 3.7-30-31, 3.12-27 (noting that impacts to water quality in streams and other water resources would remain significant even with implementation of BMPs, SWPPS, etc.); Exhibit E at ES-4 (listing short-term construction-related emissions as potentially significant and unavoidable).

Page 28

In order to address these potentially significant cumulative impacts, Caltrans must prepare an EIR for the Project.

V. CONCLUSION.

For the reasons set forth above, Mrs. Smith requests that Caltrans defer action on the Ortega Highway widening project until an EIR is prepared that fully complies with CEQA.

Very truly yours.

SHUTE, MIHALY & WEINBERGER LLP

Winter King Terrell Watt (by WK)

Enclosures:

- Exhibit A Letter from Tom Brohard to Rachel Hooper re Traffic Impacts of **Proposed Project**
- Exhibit B Comments from Greg Gilbert re Caltrans Air Quality Impacts and Discussion Within Environmental Review Documents
- Exhibit C CD with Photos of Ortega Highway
- Exhibit D Andrew Wheeler, et al., Impacts of New Highways and Subsequent Landscape Urbanization on Stream Habitat and Biota (2005)
- Exhibit E Excerpts of 2006 OCTA Long-Range Transportation Plan Final Program EIR
- Exhibit F Excerpts of 2004 Draft SCAQ Regional Transportation Plan Program EIR
- Exhibit G News Release, Stormwater Pollution Management Company Grows into Full-Service Firm (Aug. 22, 2007)
- Exhibit H OCTA Major Investment Study Update (Fall 2005)
- Exhibit I California EPA, Climate Action Team Report to Governor Schwarzenegger and the Legislature (Mar. 2006)
- Exhibit J Robert Cervero, Transport and Land Use: Key Issues in Metropolitan Planning and Smart Growth
- Exhibit K Robert Cervero, Road Expansion, Urban Growth, and Induced Travel: A Path Analysis (July 2001)
- Exhibit L Surface Transportation Policy Project, Traffic Congestion: Build It and They'll Come



- Exhibit M Mark Hansen and Yuanlin Huang, Road Supply and Traffic in California Urban Areas (1996)
- Exhibit N Mark Hansen, et al., Freeway Expansion and Land Development: An Empirical Analysis of Transportation Corridors (Jan. 1998)
- Exhibit O Marlon Boarnet, New Highways & Economic Growth: Rethinking the Link (Fall 1995)
- Exhibit P Lewis Fulton, et al., A Statistical Analysis of Induced Travel Effects in the U.S. Mid-Atlantic Region
- Exhibit Q Marlon Boarnet, et al., New Highways, Induced Travel, and Urban Growth Patterns: A "Before and After" Test (Sept. 2002)
- Exhibit R PRNewswire, SunPower, MMA Renewable Ventures Dedicate 621-Kilowatt SunPower Solar Electric System at AC Transit (Aug. 2, 2007)
- Exhibit S Excerpts from WRCOG-OCCOG Interregional Partnership, Jobs-Housing Balance Project (May 14, 2003)
- Exhibit T Purpose and Need Statement for the Riverside County Integrated Project, Banning/Beaumont to Temecula Corridor, Winchester to Temecula Study Area (Dec. 20, 2000)
- Exhibit U Hugh Saurenman, PhD, PE, Curriculum Vitae
- Exhibit V Jared Ikeda, Land Use Planner and Licensed Landscape Architect, Curriculum Vitae







Request for Assistance Eliminate City requested wall blocking existing emergency access Parcel 3 PM 137/40-42

ORIGINAL RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA TO AMEND RESOLUTION 78-10-4-1 "TENTATIVE PARCEL MAP, DIVISION OF LAND 78-2 (GLEN COVE ASSOCIATES)"...PASSED, APPROVED AND ADOPTED ON THE 4TH DAY OF OCTOBER 1978 AS FOLLOWS:

"NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Capistrano does hereby approve Tentative Parcel Map, Division of Land 78-2, subject to the following conditions....10. ... Vehicle access rights along Ortega Highway shall be dedicated to the City of San Juan Capistrano."

PROPOSED AMENDMENT TO THE ORIGINAL RESOLUTION

The amendment shall read as follows "10.... Vehicle access rights along Ortega Highway shall be dedicated to the City of San Juan Capistrano" with the exception of parcel 3 rights to use the existing access point at this location exclusively for emergency, safety, maintenance and small farm/equestrian needs as permitted by current zoning ordinances for this area. No wall shall be permitted to block this access point.

History

On October 11,1978 Glen Cove Associates made a proposal to divide a 7.7-acre parcel located on the north side of Ortega Highway adjacent to the easterly boundary of the City into 3 lots of 2.5 acres, 2.3 acres and 2.1 acres, respectively, with the balance conveyed for road purposes. The vehicle access rights were relinquished to the city for street, public utility, equestrian trail and storm drain purposes.

At the time of the above mentioned subdivision process, all three lots were vacant and unimproved hillside pasture with a farm road that allowed for farm access needs. Specifically our lot (parcel 3) which contains the 100 year old small farm road access to Ortega Highway has now been graded and developed to support it's allowed rights under the small farm (RA) zoning criteria.

Request:

Eliminate the wall at the property Ortega emergency access opening to allow fire and other emergency access to the three properties in this development and reinstatement of emergency and Small Farm/equestrian property access rights at this location. These are the same property rights the adjacent property owner enjoys (Oaks entry is directly across the street).





Reason for Request

This Ortega entry provides limited access for emergency, safety, maintenance and small farm utility. It is not used for residential access as the grade is far too steep (over 20% grade). This area has served as a secondary emergency access for the base of the "pie shaped lot". Most of the flat useable property borders Ortega Highway.

Because this property is so steep, and all usable equestrian (flat) land is found at the base of the pie shaped lot the only available access for the properties utility is from the existing Ortega Highway opening. Without this old farm road access, it is impossible to keep the property safe, maintained properly, and used for equestrian or farm (Agricultural) as its zoning allows. The slope from the top of the property drops over 100 feet to the bottom of the property where the flat equestrian area of the property exists. This makes it impossible for vehicular delivery of supplies e.g. hay deliveries, maintenance and horse transport (horse trailer access) except from the existing opening on Ortega Highway.

My primary concern is the unnecessary walling up of an existing emergency access road to three high fire risk hillsides with an unnecessary 14-foot retaining wall at this access point. The City staff told us for many years that the Ortega Widening was a Caltrans project and that we had to talk with them about the Ortega access to our property. For the last 4-5 years we proceeded under the assumption that it would remain open after our meeting with Caltrans engineers. The Preliminary Caltrans Plans showed that it would remain open after the widening was completed. Nasser Abbaszadeh requested them to eliminate the access earlier this year, resulting in Caltrans replacing its original open design to a permanent wall. Caltrans assured us that the City would certainly want to work with us on this and they would make the necessary changes if they received a letter from the City allowing the access. When we met with Caltrans they stated that if we can get our access rights back for this opening that they could potentially go back to the original plans which left it open. This is the reason for our request of the city to reinstate our access rights similar to those enjoyed across the street by our neighbor, "The Oaks".

The following are our rights as stated in the San Juan Capistrano Municipal Code:" The purpose of the Residential/Agricultural (RA) District is to: (A) Provide for the maintenance and use of land for small farms and Orchards...and (B)...provide for large lot, rural residential uses including but not limited to, low-density areas where the topography is amenable to estate-type developments. The principal use permitted by the zoning rights are crop and tree farming with the accessory use of non-commercial horse keeping and animal raising. We wish only to access and use our property as permitted under its approved zoning code.

There is no reasonable access for us to use the majority of our property for benefits allowed under this RA zone designation. This unique two acre parcel is actually divided into two different elevations...One 100 feet above on Shadetree and the larger, flat one 100 feet below on the Ortega Highway border. We have no reasonable or safe access to

12 13



the acreage on the Ortega Highway property line without this access and walling this entry point severs the highest and best property utility.

Due to the steep slope and current erosion controls, slope management, retaining wall restrictions and fire requirements, access from Shadetree to the rest of the property is severely restricted. Every engineer, architect, geologist, surveyor, contractor and builder we have consulted over the years has confirmed that Ortega access is critical to proper land planning of this lot.

This will not be a new <u>driveway</u>; I wish to "grandfather" the <u>existing access</u> that has been in use for possibly 100 years This small farm/equestrian portion of the property is located 100 feet below the narrow Shadetree access point. As a result of the steep slope, it is not considered reasonable or safe access for its small farm utility located at the base of this property. Walling up the Ortega access land locks the bottom section of this acreage on Ortega making it worthless and not usable for its equestrian or other small farm zoned purposes.

Considerations for the above requested amendment:

Doubling the number of lanes will also double the road capacity and will actually make this area safer, by helping traffic flow more efficiently especially at peak times of the day. These improvements will expedite traffic flow at the off peak times. The following are some of the points that hopefully mitigate some of the traffic safety concerns noted in your comments:

- An additional traffic lane would greatly mitigate the limited access being requested i.e. 1-2 exits a month. The traffic per lane will actually decrease from the current 1319 to 660 at the AM peak hour and even with the future Caltrans projected traffic growth noted. Per lane volumes will still be 30% lower than current levels.
- 2. The addition of a 12-foot wide center traffic median is being added at this location further mitigating any concerns. In 1978 any access from this point was to a single lane, now there are two lanes and a third center lane that greatly enhances safety of any ingress or egress to all Ortega driveways and access points.
- 3. The addition of a traffic signal is planned a few hundred feet east of this access on the Rancho Mission Viejo property access further improving safety and access to this point.
- 4. Caltrans has no concern over the traffic safety record of this access. In the possibly 100 years, and definitely in the almost 19 years that I have owned the property and used this access, there has never been a single traffic incident.
- 5. The build out of the three parcels since 1979 has eliminated any possible concern over potential residential traffic from the three parcels. Only parcel 3 would use it possibly 6-12 times a YEAR for <u>non</u>-residential needs at <u>non</u>-peak times.
- 6. Caltrans has further stated that with these changes, based upon their data and studies that the highway is going to be so safe that it will not even "warrant" any traffic signals in the City portion of the road.
- 7. The access was placed here by the original owners as well as evidenced by the"
 The Oaks" entry, directly across the street, due to the excellent visibility. This

5 cmt.



- will only improve due to the new road design, which will eliminate much of the curve that currently exists at this access point making this site even safer for the limited access requested.
- 8. Caltrans considered this access to be safe as they were planning to leave this access open on their preliminary plans until the January 3 City letter arrived showing the City's desire to close it.
 - There may be half dozen driveways entering the Ortega Highway within a quarter of a mile of the property. Ours is a "Small Farm AG" access. These existing access points being allowed to continue to exist reinforces the Caltrans point that they are safe and do not need to be closed either.
 - The precedent of there are currently two separate driveway access points within 100 feet of each other directly across the street from us at the Oaks (which have hundreds of times more traffic flow than our limited access rights request) reinforces the access point. They maintain their access rights while our significantly lesser used entry rights were relinquished, despite having virtually the same geographic location and proximity to each other. Caltrans has not requested that this access be denied because they are deemed to be safe outlets even though they are at essentially the same, location as the limited access entry being requested.
- 9. We only use this access, at most once a month, when we are clearing brush for fire control and weed abatement. This is the only access available to remove debris and maintain the lower property. This occasional use does not impact the Ortega traffic flow and is used in "off peak" hours.
- 10. Request for VERY LIMITED Access rights (6-12entrys/yr.): The access rights requested are <u>not</u> for residential driveway rights. It is <u>not</u> a business or residential access because the grade to the house 100 feet above this access point produces too steep a grade to be a practical residence access. Our history has been possibly 6 entries a YEAR at non-peak times, so the traffic concern is a non-issue based on history, use and safety. The allowed property access from Ortega Highway directly across the street, "The Oaks", safely accommodates vehicles and horse trailers on a regular basis and in great numbers during events. The rights we are requesting are for the continued limited emergency, safety, maintenance and small farm requirements <u>not</u> for high activity residential or public access. As such, similar to its <u>current use</u> for almost 19 years, the rights reinstatement will produce <u>no additional</u> traffic ingress or egress or delays.
- 11. Access use has continued uninterrupted for almost 19 years: We have continued to use this access unabated for safety; emergency and general approved RA zoned necessity for almost 19 years. No city, police or other authority has stopped its use, nor were any signs fences or barriers installed to close this access point. There have been no safety incidents, and the property has been improved and kept clear and safe by owner. Last year, the owners placed silt fencing and heavy gravel rock at the Ortega access point to further improves safety and prevents any drainage problems (note; none in almost 19 years that property owners have owned this parcel). This care of City property illustrates that the property owners have been considerate custodians of this access over the years. This period of no



traffic related issues further illustrates the perfect safety record of this access as well.

Precedent-Permitted Ortega Highway Driveways:

Treating my access rights as if the Ortega were e.g. the 5 Freeway is not practical or realistic. In a perfect engineer's world. I am sure that Ortega would look like the 5 Freeway with walls and no access for property owners that border this street. This road's country charm character remains due to the precedent of rural entries on this road. Because the owners of these properties are citizens with rights, they were not forced to relinquish their rights because it was not deemed to be necessary by Caltrans safety engineers (esp. as the road becomes even safer than it was in 1979). Ortega Highway, despite its label as "Highway" (e.g.5 or 405 fwys are highways) seems to me to be more like a main street. Orange County has many main streets with driveways. We are not even requesting a residential or business driveway, just a limited easement to access our small acreage located on Ortega Highway.

- There have been a number of very high access driveways allowed to be placed on the Ortega Highway. The Starbucks / Carwash, allowed just a few years ago, has the highest vehicular ingress and egress especially during rush hours. Our access request calls for possibly one or two entries a month and not at rush hour.
- There are currently two separate driveway access points within 100 feet of each other directly across the street from this access point at "The Oaks". They have hundreds of times more traffic flow than our limited access rights request. They maintain their access rights while our significantly lesser used entry rights are forced to be relinquished and denied, despite having virtually the same geographic location and proximity to each other. <u>Caltrans</u> has not requested that this access be denied because they are deemed to be <u>safe</u> outlets even though they are at essentially the <u>same</u>, <u>identical location</u> as the limited access entry being requested.
- There may be half dozen driveways entering the Ortega Highway within a quarter
 of a mile of this access point (see appendix for pictures). Such unique points on its
 route characterize the country road charm of Ortega. Ours is a farm or equestrian
 outlet. These existing access points are allowed to continue to exist because
 Caltrans had said that they are safe and do not need to be condemned and closed
 off.

Other Public Benefits:

Beneficial access to three properties for fire and emergency.

Access from the top of the property is not practical due to the grade. It is used to clear brush to prevent any fire danger. To keep the land clear of weeds and excess tree growth this access allows for the clean up and maintenance of the properties situated there. This large area could not be kept clear and maintained without this access for debris removal due to the steepness of the grade.

Reducing uninterrupted expanse of Ortega Highway retaining wall at Eastern unincorporated County line



The approximately 1,000 foot, 14 foot high retaining wall that will greet travelers at the eastern entry point to the city of San Juan Capistrano will be an unsightly eyesore potentially becoming a long billboard or palette of Graffiti. It also eliminates the "scenic Ortega" look just as they leave the well thought out Rancho Mission Viejo section of the road. Our "driveway" as delineated on page 1-11 in the latest Caltrans report would break up this wall expanse and add an additional 20+ feet of un-walled open space along the north side of Ortega highway.

Maintains a view of the pasture and equestrian land and allows the City Council to stay on it's plan.

This is the entry to a historic dirt, farm access road constructed by the original ranch on their property by the CCC during the Depression in the 1930s. It adds to the pastoral setting of "scenic Ortega".

When we attended the City Council meeting on the Ortega Highway widening project on May 30, 2006, the preliminary Caltrans plans were posted on the wall showing our emergency access entry still in existence. At this City Council meeting it was stated that the city council wanted to limit the large expanses of unattractive walls in order to keep a rural look as much as possible along the city portion of "scenic Ortega".

In a letter received by us on January 5, 2007 it was stated "the dirt road leading to your property from Ortega Highway will be eliminated" and walled up. We had been informed by CALTRANS a few months earlier that the existing emergency access area would remain open and not blocked.

Preserves a San Juan Capistrano Equestrian property.

Without the right to retain this emergency access the property utility is greatly diminished, especially its "small farm" and equestrian designation. San Juan Capistrano is losing much of its equestrian property; this would end up being added to this list due to access of corral and stable area of property.

We wish only to ensure that our property maintains its highest and best use as a small farm RA equestrian property in San Juan Capistrano. By allowing the unnecessary walling up of this emergency access to this property, the remaining property will not support the zoning rights of this property. This depresses the utility of the remainder beyond the loss of utility of any access land that had been taken. Access to this property is an integral part of the owner's rights of property ownership. When access is adversely changed in a significant way or lost because of being walled up, the property owner's ability to use the property is severely restricted.



Roger and Bernadine Monaco

30752 Shade Tree Lane ■ San Juan Capistrano, CA 92675 ■ 949-493-8476 ■ rogermoneco@

Thank you for the extended deadline for comments and questions regarding the Ortega Widening Project in San Juan Capistrano, CA. We have had more time to formalize our thoughts, questions and concerns in a more coherent manner.

Attached, Please find the information that we prepared and submitted to the City. It addresses the Ortega Access, historical use and current City interest.

In brief, we are only interested in preserving the access to lot #3 (not Lot#2). It will not be a driveway to the residence. It will be used for emergency evacuation and property maintenance for fire safety, weed abatement and erosion control.

This access was to remain open according to Caltrans preliminary plans. It was walled up in the most recent preliminary plans after the City notified you of the "relinquished rights" in a letter dated January 3, 2007

We are pursuing our <u>vehicular access rights</u> as well as the <u>Equestrian Trail</u> that was to be provided under the provisions of the land dedication on the parcel map. (See page with the pink tab).

Thank you for your consideration

Sincerely,

Roger and Bernadine Monaco



MONACO PROPERTY ACCESS RIGHTS REINSTATEMENT REQUEST

(Eliminate walling up of emergency property access entry point on Ortega Highway)

PARCEL 3PM 137/40-42

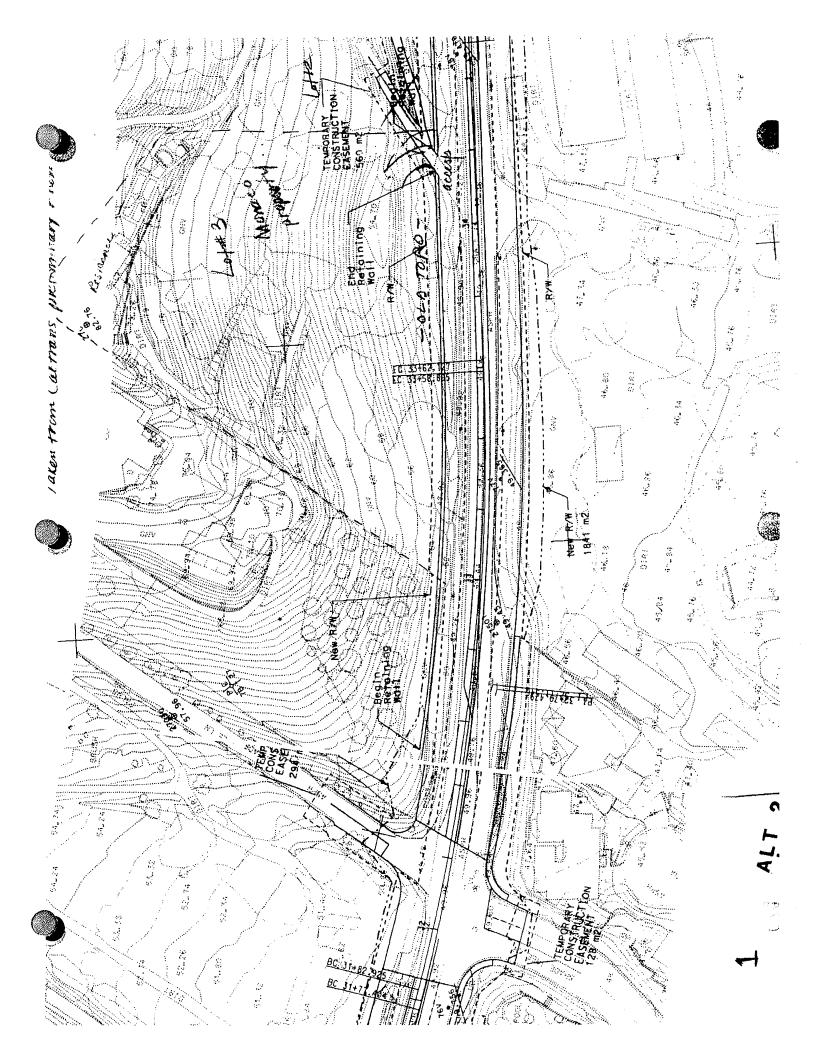


Monaco Property Access Rights And Wall Elimination Request: Parcel 3 PM 137/40-42

Chronological Appendix

- 1. Caltrans Engineering drawings (pre-Nasser request to close access)
- 2. Letter from Nasser Abbaszadeh dated January 3, 2007 Requesting that the access be closed
- 3. Caltrans Engineering drawings (post- Nasser letter showing the walling up of the emergency access)
- 4. Our Request for Assistance to the City of San Juan Capistrano
- 5. Response of Nasser to our request for assistance, denying our request for access rights to our property
- 6. Our Response to letter of denial of access sent August 24, 2007
- 7. Seven month timeline of the actions directed by Nasser resulting from his letter of January 3, 2007
- 8. Aerial photo of parcel showing the old farm road (driveway)and property access from Ortega Highway
- 9. Pictures of rock wall supporting the old farm road (driveway)
- Picture showing the elevation of our house and the relatively flat and open access area and corral area immediately 100 feet below with access (to be walled up)
- 11. Current photo of our property and access opening with wall drawn in and current topo showing 100 foot drop from top of property.
- 12. Pictures of existing driveways entering Ortega Highway close to our requested limited access point





6-8

32400 PASEO ADELANTO SAN JUAN CAPISTRANO, CA 92675 (949) 493-1171 (949) 493-1053 FAX www.sanjuancapistrano.org



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO THOMAS W. HRIBAR MARK NIELSEN JOE SOTO DR. LONDRES USO

January 3, 2007

Roger and Bernardine Monaco 30752 Shadetree Lane San Juan Capistrano, CA 92675

RE: VEHICULAR ACCESS FROM ORTEGA HIGHWAY

Dear Mr. and Mrs. Monaco:

As you may be aware, the County of Orange is the lead agency for the proposed widening of Ortega Highway to four lanes of traffic from Calle Entradero in the west to a point about 1,900' east of La Pata. The proposed widening extends along your property's Ortega Highway frontage. The project is in preliminary design stage and land surveyors have identified a dirt access drive to your property from Ortega Highway.

The City reviewed its records to determine the legal status of the Ortega Highway access drive. Our records indicate that the required permits have neither been submitted by you nor issued by the City for this access drive. More importantly, we would like to draw your attention to Parcel Map 137-40, dated August 29, 1979, whereby the following access restriction was established:

- "And did also accept on behalf of the City of Sa Juan Capistrano: All vehicular access rights to Ortega Highway as released and relinquished." (Statement on page one.)
- "All vehicular access rights to Ortega Highway from parcels 2 and 3 are released and relinquished to the City of San Juan Capistrano." (Statement on page three.)



Monaco January 3, 2006 Page 2

The noted sections are highlighted on the attached copy of the subject Parcel Map. As is evident, the Tentative Parcel Map (TPM) eliminated any right of access from your property to Ortega Highway.

Consequently, please be informed that as part of the Ortega widening project, the dirt access drive leading to your property from Ortega Highway will be eliminated and you will only be permitted to use Shadetree Lane for ingress and egress. The widening project is slated for construction in the spring of 2009.

In case you have any questions on the intended improvements, please feel free to contact me at 949/443-6398.

Sincerely,

Nasser Abbaszadeh, PE

Engineering and Building Director

cc: William Bennett, HDR Engineering

Attachment

37

SHEET 2 OF 3 PARCE 7 721 ACRES TOTAL 3 PARCELS ELMER L CHRISTIANSEN RCE 10609

IMS MAP CONTORMS WITH THE REQUMEMENTS OF THE SUBDIVISION WAP ACT AND LOCAL DROWNESS AND THE MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT CERTIFIED TO BY THE COUNTY SURVEYOR.

THIS MAP CONFORMS WITH THE MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT AND I AM SATISFIED SAID WAP IS TECHNICALLY CORRECT RELATIVE TO THE PARCEL MAP BOUNDARY.

CITY ENGNIEER OF THE CITY OF JAN JUAN CAPISTRANO - W.D. MURPHY

DATED THIS 24 DAY OF TULY 1979.

DATED THIS 27th DAY OF ACCO 1979 COUNTY SURVEYOR BY TIPLET! Wire

DETAIL A

M

R S.T 9408 43387

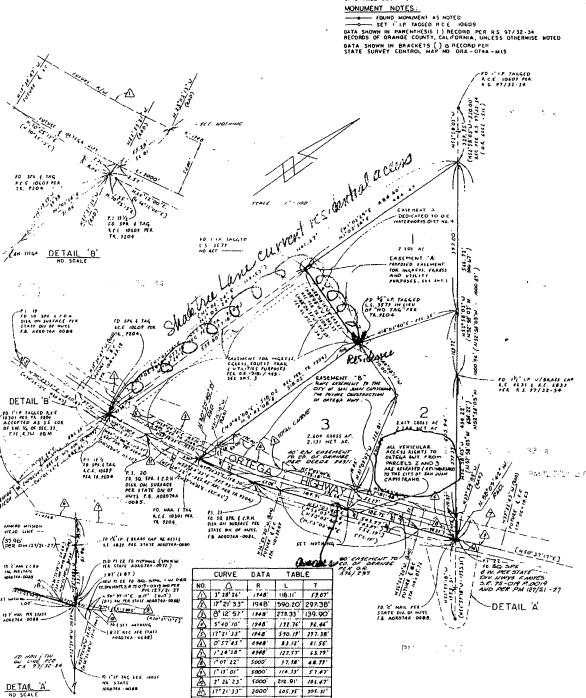
IN THE CITY OF SAN JUAN CAPISTRANO, ORANGE COUNTY, CALIFORNIA BEING A PORTION OF LOTS 3 8 4 OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 7 WEST, SBM. PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND DEFICE, APRIL 12,1875

\$9.00

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIRED SURVEY IN CONCOMMENCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL OPPONDMENCES AT THE REQUEST OF CIEN COME ASSOCIATES ON MOVEMBER 1, 1976 I HERBY STATE THAT I THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP FOR

BASIS OF BEARINGS:

THE CENTERLINE OF ORTEGA MWY BETWEEN STATIONS 19 B 1912 BEARING N 70'25' 3 C AS SHOWN ON PAI 51/29, RE ORDS OF DRANGE COUNTY, CA



SHEET 1 OF 3 7,721 ACRES TOTAL

PARCE

MA

RSY 9408

3 PARCELS ELHER L. CHRISTIANSEN R.C.E. 10609

IN THE CITY OF SAN JUAN CAPISTRANO, ORANGE COUNTY, CALIFORNIA

43387

BEING A PORTION OF LOTS 3 8 4 OF SECTION 32, TOWNSHIP T SOUTH, RANGE T WEST, 3 BM PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 12, 1875.

19 00

INC. THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERD BY THIS MAY, DO HEREN CONSON TO THE PREPARATION AND RECORDITION SAID MAY, AS SOON MITHIN THE COURSED NOWER LINE.

WE HEREBY DEDICATE TO THE PUBLIC FOR STREET, PUBLIC UTILITY, EQUESTRIAN TRAIN STOMM DRAIN PURPOSES. ORTECA HICHMAY

WE ALSO HEREBY DEDICATE TO THE CITY OF SAN JAMAN CAPISTRAND:

- I. THE SANITARY SENER SYSTEM AND APPLICATIONANCES AS SHOWN ON THE IMP PLANS FOR THIS HAP.
- 2. AN EASEMENT FOR SERRE, PUBLIC UTILITY AND DRAINAGE PLAPOSES OVER EASEMENT "AS AS SOME AS AS ASSESSMENT OF THE PROPERTY OF SAN JUAN CAPISTRAND, ALL VEHICLAM ASSESSMENT TO THE CITY OF SAN JUAN CAPISTRAND, ALL VEHICLAM ASSESS RIGHTS TO DREED HIGHAY FROM PARCELS 7 AND 3.

HE ALSO OFFER FOR DEDICATION TO THE GRANCE COUNTY MATER MORES DISTRECT NO. 4, THE WATER RIGHTS INCLUDED WITHIN, OR APPURITHMENT TO THE LAND LYTING WITHIN THE BLUE BROBER OF THIS MAP AND A PERPETUAL EASIENT FOR INCLUDING STARE METERATION, ARE MATER STARET, FOR COMESTIC MATER SYSTEM, INCLUDING FIRE METERATIS, IN, OVER MAD RESONDS SAID EASIFIENT "A", THE WIDTHS AND LOCATION OF SAID EASIFIENT AS SHENN HEREON.

Jola Rice

STATE OF CALIFORNIA) SS.

ON THIS 25 DAY OF MAY 1979, BEFORE ME. MAILY A. MONAHAM
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BE THE PERSON DESCRIBED IN, AND MOST HAVE IS SUBSCIERCED TO THE WITHIN INSTRUMENT
AND SHE KANDAMEDOED TO NE HAIT SHE EXECUTED THE SAME.

NY COMMISSION EXPIRES 12-10-82 ... MITNESS MY HAND AND OFFICIAL SEAL

1

Marry A. Monchan

RECREACTIONS, INC., A CALIFORNIA CORPORATION

SECRETARY, HUGH

STATE OF CALIFORNIA)

ON THIS 25 DAY OF MAY, 1979, BEFORE HE, AND CAREKETE.

A NOTHER PUBLIC, IN HO FOR SAID STATE, PRESCHALLY APPEARED E TAMES MILLED AND HILLED THE RECORDATION OF ECCUPIETY OF EXCENTIONS, INC., A CALL FORMIA CORPORATION, HE COMPORATION HAT EXCURED THE WIDHIN INSTRUMENT AND SHADEN TO HE TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND SHADEN TO HE TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND SHADEN TO HE THAT SHADE CORPORATION FOR EXECUTED THE SAME.

HY COMMISSION EXPIRES NOV. 4, 1979 . WITHESS HY HAND AND OFFICIAL SEAL.

NUTARY PUBLIC IN AND FOR SAID STATE

FIRST AMERICAN TITLE INF. MANCE COMMINY, AS TRUSTEE UNDER A DEED OF TRUST RECORDED IN BOOK 12507, PAGE 1973, OFFICIAL RECORDS

ASSISTANT VICE-PRESIDENT
R. S. TIMME
STATE OF CRANCE
COUNTY OF GRANCE
) 55 ASSISTED CONTRACTOR SCHEENER

CANTO O GRACE

ON THIS 25Th DAY OF MAY 1979, BETORE ME, WILLIAM H. FRUM S
A HOLARY PUBLIC IN MO FOR SAID STATE, PERSONALLY APPEARED E. S. TIMME
AND GREGORY SHREFRED, BODON TO ME TO BE THE ASSISTANT VICE-PRESIDENT NOSASISTANT SECRETARY, RESPECTIVELY, OF FIRST MERICAN TITLE INSURANCE COMMIN, THE
CORPORATION THAT ENCURED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE THE PERSONS
WE SECURED THE WITHIN INSTRUMENT OR SAID CORPORATION AND ACHOMOROGED
TO ME THAT SUCH CORPORATION EXCUSED THE SAME.

HY COMMISSION EXPERES MAY 5 1981 . HETHESS MY HAND AND OFFICIAL SEAL.

 William N. Brune

STATE OF CALLFORNIA)
COUNTY OF DRANGE) SS
CITY OF SAN JUAN CAPISTRANG)

I HEREN CERTIFY THAT THIS MP HAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF THE CITY OF SAM JUAN CAPISTRAMO AT A REGULAR HEETING. THEREOF HELD ON THE JULY COUNCIL OF THE CITY OF SAM JUAN CAPISTRAMO THAT THEREOFOR SAID CONCIL OID, BY AN GRORE DUTY PASSED AND DITEMPLE THEM. SAID HT HAS DID ACCEPT ON BOWLE OF THE PUBLIC THE CODICATION FOR SPACE, EQUESTRIAN TRAIL AND STORM DRAIN ARROSES OF: DRIFTED HICHMAY.

ALL VENICULAR ACCESS RIGHTS TO ORTEGA HIGHAY, AS RELEASED AND RELINQUISHED.

THE EASONOTI FOR SENER, MALIC UTILITY, MO DRAINGE PLAPOSES OVER EASONOTI "A", AS DEDICATED, AND THE EASEMENT FOR SLOPE PLAPOSES OVER EASEMENT "8", AS DEDICATED, AND THE EASEMENT FOR SLOPE PLAPOSES OVER EASEMENT "8", AS DEDICATED, AND THE EASEMENT "8",

THE SANITARY SENER SYSTEM AND APPLICATENUES AS DEDICATED.

AND DID ALSO APPROVE SUBJECT HAP PURSUANT TO THE PRUVISIONS OF SECTION 60436(c) (1) OF THE SUBDIVISION HAP ACT.

DATED THIS 2.7 DAY OF THEY 1979.

MALLE X LERK

CECELIA VASQUEL OF THE BOARD OF DIRECTORS
ORANGE COUNTY MATER WORKS DISTRICT ND. 4

PURSUANT TO THE PROVISIONS OF SECTION 66436(C) OF THE SUBDIVISION MAP ACT, TH FOLLOWING SIGNATURES HAVE BEEN CHITTED:

THE COUNTY OF DRUNGE, HOLDER OF EASEMENTS RECORDED IN BOOK 743, PAGE 1 OF DEE AND IN BOOK 536, PAGE 237 OF OFFICIAL RECORDS

SAN DIEGO GAS & ELECTRIC COMPANY, HOLDER OF AN EASEMENT RECORDED IN BOOK 433, PAGE 132 OF OFFICIAL RECORDS.

INPROVEMENT CERTIFICATE

PURSUANT TO THE PROVISIONS OF SECTION 66411.1 OF THE SUBDIVISION MAP ACT, NOT HERBEY GIVEN THAT THE POLLOWING HYMOVEDWITS ARE REQUIRED TO BE CONSTRUCYED F TO PROCESSING ANY SUBSCIQUENT EVELOPMENT OF THIS PARKEL!

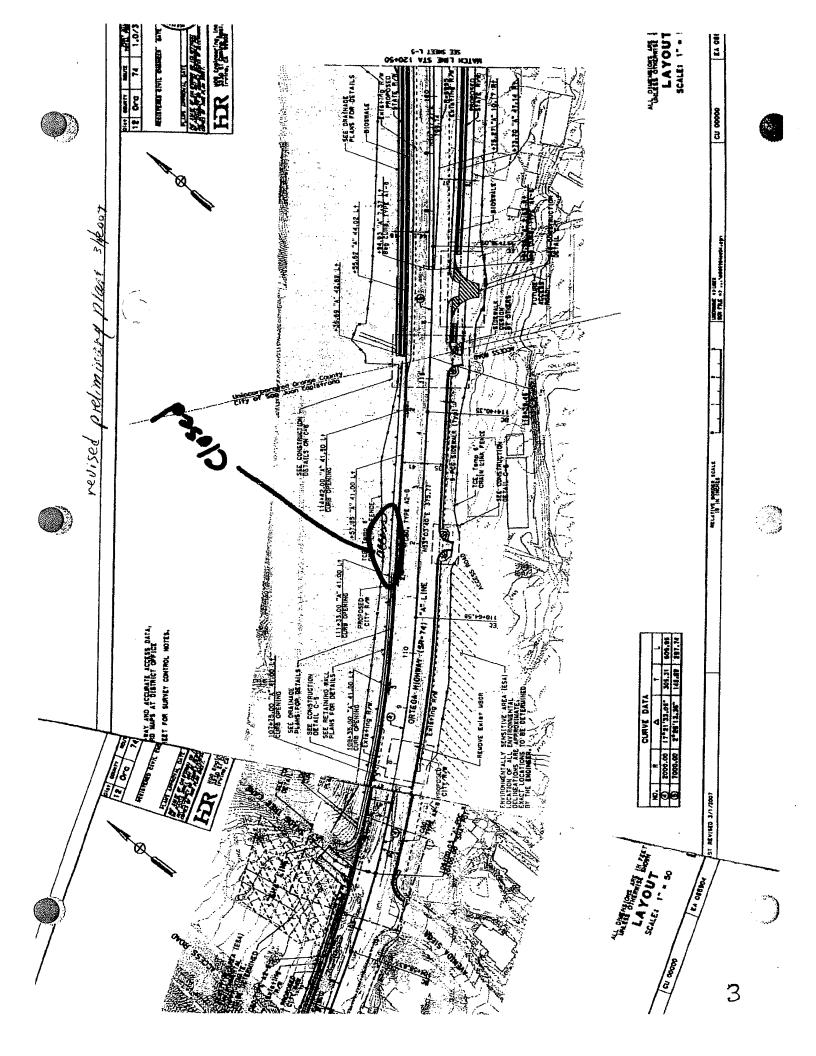
- CONSTRUCT A PRIVATE ACCESS ROAD FROM AN OFFSITE DATECA HIGHMAY INTE SECTION TO THE DRIVEWAYS OF EACH PARCEL, ALL HITHIN THE CHISTE AND OFFSITE EASEMENTS SHOWN ON THIS HAP.
- CONSTRUCT UNDERGADUAD UTILITIES, PUBLIC SEMER FACILITIES, AND DOMESTIC MATER FACILITIES WITHIN THE DISITE AND OFFSITE EASEMENTS SHOWN ON THIS

EQUESTRIA

SHEET 3 OF 3 R.S.T. 9408 MA7721 ACRES 1014L S PARCELS ELMER L CHRISTIANSEN RC (10609 43387 IN THE CITY OF SAN JUAN CAPISTRANO, ORANGE COUNTY, CALIFORNIA BEING A PORTION OF LOTS 3 & 4 OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 7 WEST, S.B.M. PER OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 12, 1875. 137 MED AT 3-3684 B 2 SET NOTHING EASEMENT 'Δ' MAGEN LE 1577 NO REP. PAR. 2 CASEMENT OR. 10081 / 286 SCALE CURVE DATA TABLE NO. \(\triangle R \) \(\triangle T \)
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(A) 17 08 48 (10.00) [2.12] (1.06)
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(A) 47 10'45 (8.50) (5.88) 8.47 14° 57'01' 36.00' 57.35' 4.72' 71°38'05' 36.00' 45.01' 25.98' 90°49'22" 36.00' 57.07' 36.52' A 15° 37'35° 21.50' 45.42' 35.77'

A 2° 17'05' 7776.00' 77.74' 37.78'

A 4'32'33' 2000.00' 168 50' FP. SQ SPK & C.D.H. DISK ON SURFACE PER STATE DIV. OF HUTS. F.B. ADROTAA - DOBC. ONSITE AND OFFSITE EASEMENTS FOR INGRESS, EGRESS, H.1'02'14'E PI 111 10 5PK 1 TAG R.C.E. 10107 PER TR. 2204 M.70°25'15"E N.35' EQUESTRIAN TRIAL AND UTILITIES PURPOSES. FO SPE, 1 TAG RCC 10407 FER FR 7204 SEE SHEET 2 FOR BASIS OF BEARING AND MONUMENT NOTES 137







"Roger Monaco" <Rogermonaco@ 07/24/2007 04:31 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Caltrans comments

Comments on Ortega Highway widening by

Bernadine and Roger Monaco 30752 Shadetree Lane

San Juan Capistrano, California 92675

Tel. 949-493-8476

rogermonaco@

Comment No. 1 Eliminate wall blocking existing emergency access Parcel 3 PM 137/40-42



Caltrans and HDR Engineering originally left the emergency access to the property open. It was subsequently proposed to be walled up in January 2007. This is an unnecessary walling up of an existing emergency access to three high fire risk hillsides with an unnecessary 14-foot retaining wall (there is nothing to retain, it is graded at road level). Caltrans did not have this emergency access walled up in its preliminary plan. We had met and communicated with Caltrans on this issue for almost 15 years and they had shown this area to remain open until earlier this year.

I would like to request that Caltrans revert to its original plans and keep this emergency access open for safety and emergency reasons. This will also limit the unpleasant aesthetics of the long wall with no breaks and retain the emergency utility of this opening.

Request:



Eliminate the wall at the Ortega emergency access opening to allow fire and other emergency access. It is not possible to comply with weed abatement and debris removal from above the property due to the steep grade. The wall also severely limits the access and utilization of the property as well as the natural drainage found at the emergency access entry point.

Public Benefit:

Beneficial access to three properties for fire and emergency.

If this area had not been accessible 18 months ago, my husband might not be alive. He was at the bottom of the property during a dog attack and was left bleeding and unable to move. The paramedics were able to quickly access him on Ortega and perform emergency procedures to save his life because of this emergency access. Access from the top of the property is not practical due to the grade. The paramedics had to run down the hill to get to him and would not have been able to evacuate him easily. The ambulance was able to come in off Ortega and remove him quickly.



Provides access for brush and fire clearing of properties.

It is used to clear brush to prevent any fire danger and to keep the land clear of weeds and excess tree growth. This large area could not be kept clear and maintained without this access for debris removal due to the steepness of the grade.

5

This is a historic dirt, farm access road constructed by the original ranch on the property by the CCC during the Depression in the 1920s.

It adds to the pastoral setting of "scenic Ortega" and provides erosion control and a natural water run off from properties to drain at access entry point drain (for over 100 years).

16 17

The Ortega emergency access area is not used for a residential driveway as the grade is far too steep (over 20% grade). This area has served as a secondary emergency and maintenance access for the base of the "pie shaped lot" only. Most of our property borders Ortega Highway but our house is located at the top of a steep slope on Shadetree Lane.







Reducing uninterrupted expanse of Ortega Highway retaining wall at Eastern unincorporated County line

Eliminates unsightly wall and maintains a view of the pasture and equestrian land. When we attended the City Council meeting on the Ortega Highway widening project on May 30, 2006, the preliminary Caltrans plans were posted on the wall showing our emergency access entry still in existence. At this City Council meeting it was stated that the city council wanted to limit the large expanses of unattractive walls in order to keep a rural look as much as possible along the city portion of "scenic Ortega".

Comment No. 2

Possibility of elimination or minimization of entire Ortega Highway retaining wall at Eastern unincorporated County line - Parcel 3 PM 137/40-42

I have noticed as I attend the Ortega Highway widening meetings, that most people find the approximately 1,000 foot, 14 foot high retaining wall that greets travelers at the beginning, eastern entry point to the city of San Juan Capistrano as unsightly and inappropriate. Their objection relates to this eyesore becoming a long billboard or palette of Graffiti and also eliminates the "scenic Ortega" look just as they leave the well thought out Rancho Mission Viejo section of the road.



This 850 foot 14 foot high Graffiti Billboard wall could be totally eliminated if the money earmarked to build the wall as well as the additional "right of way" funding is spent on the SOUTH side of Ortega rather than the north side on the city line.

If you look at the Caltrans topo you see that a further intrusion into the property and 14 foot wall is required on the north side but if you purchase the approx. 20 feet necessary for expanding the road on the south side of the road (which is close to road grade already), you eliminate the unsightly Graffiti wall completely. I believe that this south side property is all owned by "The Oaks".

If this can be accomplished, the Eastern entrance to the city of San Juan Capistrano maintains the "Scenic Ortega Highway corridor legacy" and you will have protected our city's entry from the urbanization blight on our historical pictorial equestrian community's entry point.



Caltrans has been considerate in their planning of the Ortega highway widening by moving most construction to the north side of the road to maintain walkways and trees on the western portion



of the road project. Exactly the opposite is needed on the Eastern portion. Similar to the work planned on the unincorporated section of the widening project, it would allow minimum disruption to the utility and scenic nature of this historical country corridor if the North side walled up.

Summary

My primary concern is the unnecessary walling up of an existing emergency access road to three high fire risk hillsides with an unnecessary 14-foot retaining wall. For the last 4-5 years we proceeded under the assumption that it would remain open after our meeting with Caltrans engineers. The Preliminary Caltrans Plans showed that it would remain open after the widening was completed. Caltrans wanted to maintain any existing openings and minimize the impact of the widening on the homeowners already affected. Please go back to your original plan, which did not wall up this emergency access area.

We look forward to the completion of the widening project so we can complete the planning of our land and enjoy its full utilization as equestrian property. We have been restricted in our development plans due to the uncertainty of the scope of the project for over 15 years.



Please feel free to contact us for further information any time.

Thank you for you're past assistance and consideration of our concerns.

Sincerely,

Bernadine and Roger Monaco

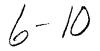
30752 Shadetree Lane

San Juan Capistrano, California 92675

Tel.

rogermonaco@









MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO THOMAS W. HRIBAR MARK NIELSEN JOE SOTO DR. LONDRES USO

July 30, 2007

Roger and Bernardine Monaco 30752 Shadetree Lane San Juan Capistrano, CA 92675

VEHICULAR ACCESS FROM ORTEGA HIGHWAY RE:

Dear Mr. and Mrs. Monaco:

Thank you for your recent communication with the City regarding vehicular access to your property from Ortega Highway. Specifically, you are requesting that the City should consider relinquishing access rights assigned to the City in 1979.

After your e-mail on July 17, 2007, and subsequent visit to the City Hall on July 18, 2007, to initiate the process to remove the access restriction on your property, Planning and Engineering staff met to consider your request and provide information on the process. I have divided this letter into several sections to identify different types of information.

Background

Your property was subdivided as part of Parcel Map 137-40, dated August 29, 1979, whereby the following access restriction was established (copies are attached):

- "And did also accept on behalf of the City of San Juan Capistrano: All vehicular access rights to Ortega Highway as released and relinquished." (Statement on page one of Parcel Map.)
- "All vehicular access rights to Ortega Highway from parcels 2 and 3 are released and relinquished to the City of San Juan Capistrano." (Statement on page three of the Parcel Map.)

The noted sections are highlighted on the attached copy of the subject Parcel Map; the Parcel Map (PM) eliminated any right of access from your property to Ortega Highway. This restriction was in effect at the time you purchased the property.





2. CalTrans Design Issues and Potential Costs

Currently, plans developed by CalTrans for the Ortega Widening Project show elimination of the dirt access drive leading to your property from Ortega Highway. We contacted CalTrans and HDR Engineering (design firm for the Ortega Widening project) for related design issues and potential cost differential between the current proposal (retaining walls) and making an allowance for a driveway. To allow a driveway, a larger grading envelope will be required and HDR has supplied us with an order of magnitude for cost differential:

Description	\$ Million
Cost of Grading, Driveway Construction,	0.9
Drainage Modifications, etc.	
Cost Reduction due to Less Retaining Wall	(0.3)
Subtotal	0.6
Engineering	0.2
Total	0.8

Please note that it is our understanding CalTrans will look to you to make up the cost differential between the two options with roughly \$800,000 in expenses.



3. Process for Removing Restriction

Since the access restriction was placed on the original Parcel Map in 1979, a Map Revision is required. The following explains the next steps for you:

- a. File a formal application at the Planning Counter to process a Tentative Parcel Map (TPM) Revision. Please check with Planning staff on the detailed submission requirements.
- b. A \$3,000 developer deposit is required to pay the cost of staff time for processing the application (at the end of the process, unused funds will be refunded to you; if staff time exceeds the initial deposit, additional funds will be required).
- c. After staff review of the application, the application will be presented to the Planning Commission for their review and recommendation.
- d. The Planning Commission and staff recommendations will be forwarded to the City Council for final review and action (approval or denial).

Please contact the Planning Department to start with steps a and b above.

4. Preliminary Staff Recommendation to Planning Commission and City Council

Staff has thoroughly examined the information you have presented to us in your e-mail of July 17, 2007, and project site conditions. Based on the information reviewed at this time, staff would recommend <u>denial of your request</u> for removal of the access restriction based upon the following findings:



Vehicular Access 7/30/2007 Page 3



- a. In 1979, the access restriction was placed due to traffic safety concerns. Traffic has significantly increased since that time and the same concerns are valid today and there is no compelling reason to override them.
- b. CalTrans projects future higher speeds on this section of the Highway with traffic volumes increasing from current AM Peak hour of 1,319 to 1,880 (43% increase). An additional driveway on the Highway will only create more traffic conflict points.
- c. Our review of the aerials taken above your property (the photo was taken in 1999 and attached to this letter) shows that the unpermitted driveway was placed after 1999, well after the original subdivision (and access rights relinquishment). The driveway has not been in place for many years as originally asserted.
- d. Proper land planning practice runs contrary to installation of a driveway on a busy highway; access from Shadetree to your property, as it currently exists, is the correct ingress/egress point.

5. Conclusions

Please carefully examine all the issues explained in this letter and if you would like to pursue the Map Revision, please follow the steps outlined under section 3, above.

In case you have any questions, please feel free to contact me at 949/443-6398.

Sincerely,

Nasser Abbaszadeh, PE Engineering and Building Director

C: Steven Apple
Bill Ramsey
Sam Shoucair
Alan Oswald

Attachments

Background

Exhibit w?

Caltrans and HDR Engineering originally left the access to the property open. It was subsequently proposed to be walled up after January 2007 due to a letter from the City concerning the relinquished rights. This is an unnecessary walling up of an existing emergency access to three high fire risk hillsides with an unnecessary 14-foot retaining wall (there is nothing to retain, it is graded at road level). Caltrans did not have this emergency access walled up in its preliminary plan. And the city has maintained that it had not requested that this area be walled in. We have met and communicated with Caltrans on this issue for almost 15 years and they had shown this area to remain open until earlier this year.

I would like to request that Caltrans revert to its original plans and keep this emergency access open for safety and emergency reasons. This will also limit the unpleasant aesthetics of the long wall with no breaks and retain the emergency utility of this opening.

Request:

Eliminate the wall at the Ortega emergency access opening to allow fire and other emergency access. It is also not possible to comply with weed abatement and debris removal from the property due to the steep grade. It also severely limits the access and utilization of the property.

Public Benefit:

Beneficial access to three properties for fire and emergency.

If this area had not been accessible 18 months ago, my husband might not be alive. He was at the bottom of the property during a dog attack and was left bleeding and unable to move. The paramedics were able to quickly access him on Ortega and perform emergency procedures to save his life because of this emergency access. Access from the top of the property is not practical due to the grade. The paramedics had to run down the hill to get to him and would not have been able to evacuate him easily. The ambulance was able to come in off Ortega and remove him quickly.

Provides access for brush and fire clearing of properties.

It is used on rare occasion to clear brush to prevent any fire danger and to keep the land clear of weeds and excess tree growth. This large area could not be kept clear and maintained without this access for debris removal due to the steepness of the grade.

Eliminates unsightly wall and maintains a view of the pasture and equestrian land and allows the City Council to stay on it's plan.



This is a historic dirt, farm access road constructed by the original ranch on the property by the CCC during the Depression in the 1920s. It adds to the pastoral setting of "scenic Ortega".

When we attended the City Council meeting on the Ortega Highway widening project on May 30, 2006, the preliminary Caltrans plans were posted on the wall showing our emergency access entry still in existence. At this City Council meeting it was stated that the city council wanted to limit the large expanses of unattractive walls in order to keep a rural look as much as possible along the city portion of "scenic Ortega".

The Ortega area is not used for a residential driveway or access as the grade is far too steep (over 20% grade). This area has served as a secondary emergency access for the base of the "pie shaped lot". Most of our property borders Ortega Highway.

Reducing uninterrupted expanse of Ortega Highway retaining wall at Eastern unincorporated County line

I have noticed as I attend the Ortega Highway widening meetings, that most people find the approximately 1,000 foot, 14 foot high retaining wall that greets travelers at the eastern entry point to the city of San Juan Capistrano as unsightly and inappropriate. Their objection relates to this eyesore becoming a long billboard or palette of Graffiti and also eliminates the "scenic Ortega" look just as they leave the well thought out Rancho Mission Viejo section of the road. Our "driveway" as delineated on page 1-11 in the latest Caltrans report would break up this wall expanse and add an additional 20+ feet of unwalled open space along the north side of Ortega highway.

Summary

My primary concern is the unnecessary walling up of an existing emergency access road to three high fire risk hillsides with an unnecessary 14-foot retaining wall. For the last 4-5 years we proceeded under the assumption that it would remain open after our meeting with Caltrans engineers. The Preliminary Caltrans Plans showed that it would remain open after the widening was completed. Caltrans wanted to maintain any existing openings and minimize the impact of the widening on the homeowners already affected.

Thank you for your consideration.
Sincerely,
Bernadine and Roger Monaco
30752 Shadetree Lane
San Juan Capistrano, CA 92675

rogermonaco@

1

Re:

Continued open access to dirt road "driveway" at lot 3 off Ortega Highway and

Possibility of elimination or minimization of entire Ortega Highway retaining wall at Eastern unincorporated County line - Parcel 3 PM 137/40-42

My primary concern remains the unnecessary walling up of an existing emergency access to three high fire risk hillsides with an unnecessary 14-foot retaining wall. Caltrans did not have this emergency access walled up in its preliminary plan. And the city has maintained that it had not requested that this area be walled in. We have met and communicated with Caltrans on this issue for almost 15 years and they had shown this area to remain open until earlier this year.

Regardless of this situation, I have noticed as I attend the Ortega Highway widening meetings, that most people find the approximately 1,000 foot, 14 foot high retaining wall that greets travelers at the beginning, eastern entry point to the city of San Juan Capistrano as unsightly and inappropriate. Their objection relates to this eyesore becoming a long billboard or palette of Graffiti and also eliminates the "scenic Ortega" look just as they leave the well thought out Rancho Mission Viejo section of the road.

This 850 foot 14 foot high Graffiti Billboard wall could be totally eliminated if the money earmarked to build the wall as well as the additional "right of way" funding is spent on the SOUTH side of Ortega rather than the north side on the city line.

If you look at the Caltrans topo you see that the further intrusion into the property and 14 foot wall is required on the north side but if you purchase the approx. 20 feet necessary for expanding the road from the south side of the road (which is close to road grade already), you eliminate the unsightly Graffiti wall completely. This property has no houses on it and I believe it is owned by "The Oaks".

If this can be accomplished, the Eastern entrance to the city of San Juan Capistrano maintains the "Scenic Ortega Highway corridor legacy" and you will have protected our city's entry from the urbanization blight on our historical pictorial equestrian community's entry point.

Caltrans has been considerate in their planning of the Ortega highway widening by moving most construction to the north side of the road to maintain walkways and trees on the western portion of the road project. Exactly the opposite is needed on the Eastern portion. Similar to the work planned on the Unincorporated section of the widening project, it would allow minimum disruption to the utility and scenic nature of this historical country corridor if the North side is not cut so deeply into the steep slope.

Caltrans has added an additional 12 foot painted median and it seems that this is going to be taken from the North side to accommodate access on the south side.

The steeper slope on the North side requires a deeper cut and a much higher retaining wall to accomplish this and impacts the homeowners on the North side much more than was previously planned.

The notice mentions a right of way negotiation but there are no details given so we would like to address this fro future discussion as well.

With regards to the access off Ortega highway, we would like to inform you of continued discussions with the City staff, Mayor and Council concerning the return of the relinquished rights. We are still in the formal process of regaining these rights and will notify you as soon as we have a decision. Nasser, the City Engineer has informed us that we have time for this since these are still preliminary plans. Caltrans and HDR have been informed about this but we wanted to get it into print for the record. We will be happy to provide you with the current topo of the drive area if you wish. We were told to wait until we finalized the issue with the City.

Our concern about the wall also includes the erosion control and water run off from our property which will be changed from its original course (for almost 100 years) with a permanent wall.

In your report, you also mention that there is no need for a signal a Via Siega at this time. This may cause concern for the safety of the access at Ortega. We are happy to announce that The Ranch will be adding a light signal just east of the access. This will mitigate any danger and enhance the safety of the use of the Ortega and Shadetree Lane ingress and egress.

Thank you for your consideration.

Sincerely,
Bernadine and Roger Monaco
30752 Shadetree Lane
San Juan Capistrano, California 92675
rogermonaco@

Please feel free to contact us for further information any time.

We look forward to the completion of the widening project so we can complete the planning of our land and enjoy its full utilization as equestrian property. We have been restricted in our development plans due to the uncertainty of the scope of the project. Thank you for your past assistance and consideration of our concerns.

Request for Assistance
Eliminate wall blocking existing emergency access
Parcel 3 PM 137/40-42







"Roger Monaco" <Rogermonaco@ 08/08/2007 04:08 PM

To <Lower74_D12@dot.ca.gov>

cc <deemonaco@

bcc

Subject Ortega Widening Project, San Juan Capistrano

Roger and Bernadine Monaco

30752 Shadetree Lane

San Juan Capistrano

California 92675

(949) 493-8476

rogermonaco@

August 8.2007



To: CALTRANS

Re: Ortega access and Equestrian Trail installation.

Your preliminary plans showed the dirt road access off Ortega Highway to Lot #3 (30752 Shadetree Lane, San Juan Capistrano) open with retaining walls beginning and ending on either side of the access. January 3,2007, we received a letter reminding us of the relinquished rights to the City of San Juan. We had been told many times by city officials that this was a CALTRANS Project and issue and take it up with them. We did this and were pleased to see that the access would remain open after the widening. After this letter was received, your plans changed and the entry was walled up with a continuous retaining wall.

We are still in the lengthy application process to regain these access rights. They are important to the full utilization of the property which is zoned RA (rural agriculture). It has many potential uses, which are impaired by the denied access. The most important one is Equestrian use. The denied vehicular access rights have been mentioned but in the same subdivision notes (Parcel Map 137.40), the dedication is to "the public for street, public utility, equestrian trail and storm drain purposes: Ortega Highway"

We were informed at the last meeting with the City that there would be no Equestrian Trail in the North side of Ortega. How can one part of the subdivision notes be enforced but another



ignored?

In your report in Policy 3.1, you state: "to provide and maintain and extensive trail network that supports bicycles, pedestrians and horses and is coordinated with those networks of adjacent jurisdiction."

We have no ability to connect with any trails and were looking forward to the widening to finally have this ability as promised by our realtor and by the City in several inquiries.

Circulation Goal 4. Minimize the conflict between the automobile, commercial vehicles, pedestrians, horses and bicycles."

With signal lights at Antonio and La Novia, there is a great distance of unsafe crossings for horses right now. It will only be worse or impossible with four lanes to cross in the future.

Policy 4.1 Provide sufficient right of way width along roadways to incorporate features that buffer pedestrians, horses and bicycles from vehicular traffic".

With no trail proposed as in the original subdivision plan, this right of way for horses will not be a reality.

Other comments: If we get Ortega access rights back from the City what do we do next?

We don't need a driveway or road improvements, we just need an opening for emergencies and infrequent use for ingress and egress to Lot 3 only. Your old Topo shows the road rising sharply onto Lot 2 but it is currently open to Lot 3 and improvements were mad with erosion control in anticipation of the original preliminary widening plans.

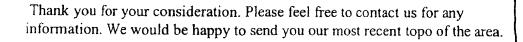
You are working from an obsolete topo so we believe that any cost estimates are invalid for the entry design. We only want the access to remain open.

The proposed Ranch Plan includes a signal light East of the access and a 12 foot wide median is planned so it will be safer than it is now.

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Sincerely, Roger and Bernadine Monaco



Bernadine Monaco

30752 Shade Tree Lane San Juan Capistrano, CA 92675 9949-493-8476 for rogermonaco@c

Nasser Abbaszadeh, PE Engineering and Building Director City of San Juan Capistrano 32400 Paseo Adelanto San Juan Capistrano, California 92675

August 24, 2007

Re: Request for Assistance Eliminate wall blocking existing emergency access: Your letter of denial of rights dated July 30, 2007.

Dear Mr. Abbaszadeh,

Thank you for your letter of June 30, I have responded to each of the points leading to your denial of our property rights request. The real issue continues to be the need for access to our property.

I would like to request a legal review of our rights as property owners in the City of San Juan Capistrano before proceeding with a Map Revision application. Since you have already stated that you will recommend denial; despite, Caltrans leaving other accesses in our same proximity open because they are considered safe, a \$3000 deposit and another application process appear redundant.

Response to the Staff directed recommendation of denial of our request for removal of the access restriction —"Based upon the information reviewed at this time, staff would recommend <u>denial of your request for removal of the access restriction based upon the following findings</u>":

The following are our comments to your July 30, 2007 letter to us. I hope that it clarifies our rationale and explains any mitigating circumstances that may be considered in our request for the reinstatement of our limited property rights. We wish only to access and use our property as permitted under its approved zoning.

"Section 4.: Preliminary Staff Recommendation to Planning Commission and City Council

Staff findings:

a. In 1979, the access restriction was placed due to traffic safety concerns. Traffic has significantly increased since that time and the same concerns are valid today and there is no compelling reason to override them. And b. Caltrans projects future



higher speeds on this section of the highway with traffic volumes increasing from current AM Peak hour of 1,319 to 1,880 (43% increase)."



Mitigating factors to traffic concerns of our limited access request.

Doubling the number of lanes will also double the road capacity and will actually make this area more safe, and also help traffic flow more efficiently especially at peak times of the day. These improvements will expedite flow compared with 1979 and their will be lighter traffic at the off peak times. The following are some of the points that hopefully mitigate some of the traffic safety concerns noted in your comments:

- 1. An additional traffic lane would greatly mitigate the limited access being requested i.e. 1-2 exits a month. The traffic per lane will actually decrease from the current 1319 to 660 at the AM peak hour and even with the future Caltrans projected traffic growth noted. Per lane volumes will still be 30% lower than current levels.
- 2. The addition of a 12 foot wide center traffic median is being added at this location further mitigating any concerns
- 3. The addition of a traffic signal is planned a few hundred feet east of this access on the Rancho Mission Viejo property access.
- 4. Caltrans has no concern over the traffic safety record of this access. In the possibly 100 years, and definitely in the almost 19 years that I have owned the property and used this access, there has never been a single traffic incident.
- 5. The build out of the three parcels since 1979 has eliminated any concern over potential residential traffic from the three parcels. Only parcel 3 would use it possibly 6-12 times a YEAR for non-residential needs at non-peak times.
- 6. Caltrans has further stated that with these changes, based upon their data and studies that the highway is going to be so safe that it will not even "warrant" any traffic signals in the City portion of the road.
- 7. The access was originally placed here by the original owners as well as evidenced by the" The Oaks" entry, directly across the street, due to the excellent visibility. This will only improve due to the new road design, which will eliminate much of the curve that currently exists at this access point making this site even safer for the limited access requested.
- 8. Caltrans obviously considered this access to be safe as they were planning to leave this access open on their preliminary plans until the January 3 City letter arrived showing the City's desire to close it.
 - There may be half dozen driveways entering the Ortega Highway within a
 quarter of a mile of our property. Ours is a farm or equestrian access.
 These existing access points are allowed to continue to exist because
 Caltrans had said that they are <u>safe</u> and do not need to be condemned and
 closed off.
 - There are currently two separate driveway access points within 100 feet of
 each other directly across the street from us at the Oaks which have
 hundreds of times more traffic flow than our limited access rights request.
 They maintain their access rights while our significantly lesser used entry







rights are forced to be relinquished and denied, despite having virtually the same geographic location and proximity to each other. Caltrans has not requested that this access be denied because they are deemed to be safe outlets even though they are at essentially the same, location as the limited access entry being requested.

9. We only use this access, at most once a month, when we are clearing brush for fire control and weed abatement. This is the only access available to remove debris and maintain the lower property. This occasional use does not impact the Ortega traffic flow and is used in "off peak" hours.

Result: A significant reduction in per lane traffic and much less congestion with increased safety. This will make any ingress or egress even safer than it is today

Request for VERY LIMITED Access rights (6-12entrys/yr.): The access rights requested are not for residential driveway rights. It is not a business or residential access because the grade to the house 100 feet above this access point produces too steep a grade to be a practical residence access. Our history has been possibly 6 entries a YEAR at non-peak times, so the traffic concern is a non-issue based on history, use and safety. . The allowed property access from Ortega Highway directly across the street, "The Oaks", safely accommodates vehicles and horse trailers on a regular basis and in great numbers during events. The rights we are requesting are for the limited emergency, safety, maintenance and small farm requirements not for high activity residential or public access. As such, similar to it's current use for almost 19 years, the rights reinstatement will not produce any additional traffic ingress or egress or delays.

I do not believe that this is strictly an engineering issue. It may also be considered a property rights issue as our rights under current zoning ordinance (Small Farm RA) have been compromised. There is no reasonable access for us to use the majority of our property for benefits allowed under the RA zone designation. It is not a residential driveway access issue. This unique two acre parcel is actually divided into two different elevations...One 100 feet above on Shadetree and one 100 feet below on the Ortega Highway border. We have no reasonable or safe access to the acreage on the Ortega Highway property line without this access. Perhaps the City attorney could render an opinion on whether we have any rights in this matter given the circumstances under discussion. It would be appreciated if this could be investigated on our behalf.

Safety and emergency access: This access probably saved the property owners life once already. The owner is usually working at the base of the property maintaining the largest area of the pie shaped lot. The owner had a heart attack a few months ago. He is concerned that if it were to happen while he is located at the base of his walled up emergency access such an event could become more serious due to the city and Caltrans walling up his emergency access. Medical help would not be readily accessible from Shadetree, which is 100 feet up the very steep hill. If this event were to occur, the city could be considered negligent for ignoring the stated safety concerns, especially with the existing precedent.





Precedent-Permitted Ortega Highway Driveways:

- Even the addition of one car could call for a safety restriction; but since 1979, I have seen a number of very high access driveways allowed to be placed on the Ortega Highway. The Starbucks / Carwash, allowed just a few years ago, has the highest vehicular ingress and egress especially during rush hours. Our access request calls for possibly one or two entries a month and not at rush hour.
- There are currently two separate driveway access points within 100 feet of each other directly across the street from us at the Oaks. They have hundreds of times more traffic flow than our limited access rights request. They maintain their access rights while our significantly lesser used entry rights are forced to be relinquished and denied, despite having virtually the same geographic location and proximity to each other. Caltrans has not requested that this access be denied because they are deemed to be safe outlets even though they are at essentially the same, identical location as the limited access entry being requested.
- There may be half dozen driveways entering the Ortega Highway within a quarter
 of a mile of our property (see appendix for pictures). Such unique points on its
 route characterize the country road charm of Ortega. Ours is a farm or equestrian
 outlet. These existing access points are allowed to continue to exist because
 Caltrans had said that they are <u>safe</u> and do not need to be condemned and closed
 off.

Access use has continued uninterrupted for almost 19 years: The property owners at lot 2 and lot 3 have continued to use this access unabated for safety; emergency and general approved RA zoned necessity for almost 19 years. No city, police or other authority has stopped us from using it nor were any signs fences or barriers installed to close this easement. There have been no safety incidents as a result, and the property has been improved and kept clear and safe by owners of these parcels. Last year, the owners placed silt fencing and heavy gravel rock at the Ortega access point to further improves safety and prevents any drainage problems (note; none in almost 19 years that I have owned the property). This care of City property illustrates that the property owners have been considerate custodians of this access over the years. This period of no traffic related issues further illustrates the perfect safety record of this access as well.

Other possible reasons for the Original Relinquishment of Rights noted in your comments above.

As you state, the access restriction due to safety concerns that still may exist is a plausible deduction but I was unable to find any reference to this in any documentation of this relinquishment of access rights by the previous owners in 1979.

It was our understanding that this relinquishment of rights simply had to do with the developer initially wishing to open a new street/driveway to service the three subdivided parcels a few hundred feet East from an existing driveway/ future street (Shadetree). He







wished to use the existing farm road and access (this is the road and access that you are stating did not exist at that time?). The city resisted this request and instructed him to use the existing Folgner driveway which later was renamed Shadetree Lane. I assume that the City was concerned about another street being opened up with high residential access from the three parcels that were to be developed. As we have stated, our request is for limited easement access, not the residential driveway access that might concern the City. This is why the relinquishment of rights may no longer be as relevant or necessary. We also wish to reclaim the rights for our parcel only. Concerns with these parcels that existed in 1979 may have been related to it becoming a higher access residential driveway or street. A limited use farm access to Lot #3 is our only request since all three parcels have built personal residences 100 feet above on Shadetree Lane terminus.

Equestrian Trail Question

For the past seven months, we were not given any specific reason for relinquished rights to Ortega Highway access prior to January 2007 or even in our follow up meetings. It was suggested that it was due to the plans for the future widening of Ortega Highway without any particular details.

As shown on the Parcel Map 137.40; it states:

"We hereby dedicate to the public for street, public utility, <u>equestrian trail</u> and storm drain purposes: Ortega Highway....

You have sent the Parcel Map page with the relinquished rights to vehicular access portion circled on several occasions but appear to ignore the "dedication to the public for street, public utility and <u>equestrian trail</u>...purposes".

If you are going to enforce the vehicular access rights clause, how can you ignore the dedication for "equestrian purposes"?

We were told over the years that the equestrian trail would be included in the widening of Ortega and that would be a reason for taking the land. A few years ago we even received a trail map showing the trail. This was specifically documented in the October 4, 1978 City Council Meeting minutes approving this project.

Now we are told that the City will deny our rights to the access but will not honor the plans for the **Equestrian** Trail that was proposed at that time.

This equestrian property will be inaccessible to any trails that were to be provided for in the widening plan. The latest preliminary plans and discussions at the City meetings have ignored these provisions and have not included the **Equestrian** trail that was promised.

Since you brought up the public benefit, I would like to refer you back to the Parcel Map subdivision notes that denoted the reasons for the land dedication in 1979. It states that: "We hereby dedicate to the public for street, public utility, equestrian trail...purposes" I would appreciate a response to the dedication of the land for an Equestrian Trail since this is a public issue and benefit that was in the original subdivision plan and approved specifically by the City Council as a condition of the



taking of our land in 1978 but yet it does not appear to be implemented in the Ortega widening. As a ten foot equestrian trail was what was agreed to by the City Council, if it is now not going to take place, do we get the ten feet back?

c. "Our review of the aerials taken above your property (the photo was taken in 1999 and attached to this letter) shows the unpermitted driveway was placed after 1999, well after the original subdivision (and access rights relinquishment). The driveway has not been in place for many years as originally asserted."

This is simply not true. This is a rather disturbing and incorrect assertion. I am not sure of the relevance to our rejection of rights nor am I sure of why it is even brought up. I have pictures and remnants of the rock wall supporting this road on my property and it clearly had to exit on our property at that time. They are clearly over 70 years old. This comment has me extremely perplexed. What is the reason for it, and why is it listed as a reason to deny our request? It seems not to be relevant to the issue?

You refer to the "unpermitted driveway". I do not believe that we ever referred to it as a driveway and have called it Ortega access. We did not have it permitted because, we did not put it in, it was not disclosed as being unpermitted in our title documentation, and we were told that it was a Caltrans issue and not in City control at that time. We did not create the access as you suggest. It has been there for almost 100 years. We were told that it was constructed in the 1930's. We have called it a dirt road and an old farm road since that was how it was referred to by surveyors engineers and geologists. We have enjoyed the use of this access for almost 19 years. This dirt road and access have been in existence long before we purchased the property and long before 1999.

In my email I refer to "access" over twenty times, not driveway. The access to the old farm road (or as you refer to it as a driveway) that winds through parcels 2 and 3 (even in your attachment) is and has always been for possibly 100 years on our parcel. This old farm road starts with access from my parcel and continues over parcel number two over the rock wall to connect to Shade tree Lane. It supported the old single 7.7 acre parcel that was subdivided in 1979. This is clearly shown on the original parcel of 2.604 Gross acres prior to our giving up a half-acre to the city. It can also be seen on the 2.131 net acres after the previous owners "conveyed" almost half an acre of our parcel to the city "for road purposes". I am attaching a markup of your old aerial photo to help you see the pre-existing road on parcels 2 and 3 that were formerly accessed from our parcel. I am also sending a picture of the remnants of the old retaining wall that supported the road over the decades that it was in existence. As you can see from the pictures of the old stone retaining wall supporting the upper portion of this road, it is very old and I doubt that anyone would have put in such a project without getting a permit back then.

Regarding our improvements. Over the past 19 years we have built a house, developed pads, corrals and equestrian trails on our private property as allowed under our zoned small farm RA rights to enhance the utility of the property. We did some light grading to reclaim old cattle paths and small roads on our parcel when we had tractors clear brush and tree trim waste. After meeting with the city and Caltrans and determining that they









were keeping access open (prior to your letter requesting it be closed), we improved our personal property trails and corral to better meet the anticipated grade changes. The private property rights improvements, such as the reclaiming of old eroded cattle paths and roads on the property appear to be irrelevant to our request.

Regarding the permitting of the access or old farm road (you call it a driveway), I assume that this was done possibly 70-80 years ago. When we purchased the property almost 19 years ago we used it to clear the old brush for fire safety reasons. As I state in my letter, and as we have stated for 7 months now, it was never asserted that the pads, and trails on our property were there for 100 years. It was asserted that the access and farm road on parcels 2 and 3 were there for possibly 100 years. Our private property trails and pads abut this old access point affording an efficient and safe emergency access point. The Ortega access has always been on our property...even as seen in your photo. I further expect that the "relinquishment of access rights" relates directly to this pre-existing access. Why would the Ortega vehicular access be relinquished to the City of San Juan Capistrano in 1979, if there was no access there already to relinquish?

The denial of request; due to you not believing that the access and farm road existed possibly 70 years ago, despite evidence to the contrary, is puzzling. What does this have to do with our rights to access our property?

d. "Proper land planning practice runs contrary to installation of a driveway on a busy highway; access from Shadetree to your property, as it currently exists, is the correct ingress/egress point."

Proper land planning of this lot with 1979 codes might have been adequate but the current codes severely handicap the RA utilization of the property. Due to the steep slope and current erosion controls, slope management, retaining wall restrictions and fire requirements, access from Shadetree to the rest of the property is severely restricted. We have spent a lot of time and money and City reviews trying to accommodate a safe driveway extension from Shadetree Lane to the bottom of the property to no avail. Every engineer, architect, geologist, surveyor, contractor and builder we have consulted over the years has confirmed that Ortega access is critical to proper land planning of this lot.

I assume that proper land planning practice takes zoning and property rights into account. The Shadetree Lane access to the small farm acreage 100 feet below is not a correct or safe access point for this properties best land utility due to its unique characteristics. It is proper for residential access but not for the zoned utility of a small farm /equestrian acreage. This Ortega entry provides limited access for emergency, safety, maintenance and small farm utility. It is not residential nor business related and has minimal ingress or egress traffic (possibly 1 entry a month). With a traffic signal planned a few hundred feet east of the entry, a center lane being added, an additional traffic lane being added, an unblemished traffic safety history, despite the continued historical usage, and it not being a high use residential or business access; these ingress and egress points should be considered negligible.





I do not wish to install a new <u>driveway</u>; I wish to "grandfather" the <u>existing access</u> that has been in use for possibly 100 years. The access will support probably 1-2 entries a MONTH. I assume that proper land planning practice must balance engineering, safety and citizens constitutionally guaranteed property ownership rights including the right of reasonable access to my small farm property. This small farm/equestrian portion of the property is located 100 feet below the narrow Shadetree access point. As a result of the steep slope, it is not considered reasonable or safe access for its small farm utility located at the base of this property. Walling up the Ortega access land locks the bottom section of this acreage on Ortega making it worthless and not usable for its equestrian or other small farm zoned purposes.

Treating my access rights as if the Ortega were e.g. the 5 Freeway is not practical or realistic. In a perfect engineer's world. I am sure that Ortega would look like the 5 Freeway with walls and no access for property owners that border this street. This road's country charm character remains due to the precedent of rural entries on this road. because the owners of these properties are citizens with rights. They were not forced to relinquish their rights because it was not deemed to be necessary by Caltrans safety engineers (esp. as the road becomes even safer than it was in 1979). Ortega Highway, despite its label as "Highway" (e.g.5 or 405 fwys are highways) seems to me to be more like a main street. Orange County has many main streets with driveways. We are not even requesting a residential or business driveway, just a limited easement to access our small acreage located on Ortega Highway.

We do not wish to suffer the impact of inverse condemnation because we failed to speak up when our only small farm access is walled up by the City and Caltrans. We will no longer have full access to our property and cannot allow it's value to be diminished by such an unnecessary action. We wish only to ensure that our property maintains its highest and best use as a small farm RA equestrian property in San Juan Capistrano. By allowing the unnecessary walling up of this emergency access to our property, the remaining property will not support the zoning rights of this property. This depresses the utility of the remainder beyond the loss of utility of any access land that had been taken. Access to our property is an integral part of our rights of property ownership. When access is adversely changed in a significant way or lost because of being walled up, my ability as the property owner, to use the property is severely restricted. This too needs to be taken into account in any proper land planning process especially given the significantly mitigated factors regarding any traffic issues.

Section 2.: Caltrans Design Issues and Potential costs

Thank you for looking into this cost. We got this cost estimate prior to your memo from HDR when we talked with them at their presentation on Tuesday July 24. I am attempting to understand this issue much better since I got an estimate closer to \$2,000 to re-grade our private road on the property to accommodate the reduction in grade at the Ortega Highway access point due to the Ortega Highway widening project. HDR's estimate is over 500x that estimate and needs to be understood better by me. Despite it appearing to be excessive, I am sure that \$1.1 million would be spent if not adjusted. As









a result, I have been in contact with HDR to better understand their logic of why the experienced tractor operator/grader gave a much lower estimate. Perhaps others, more qualified than I, at the City and Caltrans can question this cost as well. It may be that HDR is attempting to move the entry point further east as they do not appear to be working with our current TOPO. Despite its troubling implications, this issue and the related cost implications should not be a consideration in our request to reclaim our access rights. I do appreciate and share the concern however.

Section 3.: Process for removing Restriction

It is not clear, given the staff recommendation of a denial to our request why there should be a charge of \$3,000 developer deposit. We are not developers and a tentative Parcel map should not be called for unless the City first agrees to our rights reinstatement request. The map revision is not a structural (developer) related change. It is simply removing the words," All vehicular access rights to Ortega Hwy. From parcels 2 and 3 are released & relinquished to the city of San Juan Capistrano." We are not developing anything structural; we just want our property rights reinstated with the elimination of words on the map. There is no change to the map drawings.

Next Steps:

We have spent over seven months, at your direction, attempting to correct this problem. In that time, we have initiated over 30 actions including e-mails, letters, telephone calls and meetings with people to whom you referred us. Ultimately our journey has returned us back to you. Your letter, dated July 30, states that rights will still be denied despite our not having any reasonable property access for this acreage and future equestrian area.

Now that you have identified the interested parties in this decision (two report directly to you) may we request a meeting with the decision makers to determine whether, based upon our comments, there may be any reasonable expectation that our property access rights may be reinstated.

We are only requesting a reinstatement of our access rights for this property because Caltrans and HDR Engineering have advised us that they will build a wall at the access unless we can reclaim these rights.

Perhaps, you could poll the decision makers you copied in your letter (I believe that the senior engineer and traffic engineer report to you anyway) to determine if there are any alternatives to the wall placement at this location regardless of the decision on our relinquished rights.

Mili Lim, at Caltrans, suggested the possible use of removable bollards to prevent public access but yet allow utility access to Lot #3.

Thank you for your consideration.I look forward to your response.

Sincerely,







Bernadine Monaco



CC:

Steven Apple Planning Director Bill Ramsey, Principal Planner Sam Shoucair, Senior Engineer reporting to Nasser Alan Oswald, Traffic Engineer reporting to Nasser

Mayor Sam Allevato
Dave Adams, City Manager
Omar Sandoval, Deputy City Attorney



Exhibits



Timeline-History

1920's or 1930'S: We have been told that the Civilian Conservation Corps (CCC) put in the rock wall and constructed the old farm road in the 1930's for the cattle ranch that existed here.

1970's to present: Used for Emergency access to property and for debris removal for fire control and clearing.

1987: We purchased as horse property (zoned small farm). No restrictions were disclosed at the time other than the fact that a temporary easement existed to allow access for the future widening of Ortega. When we purchased the land, we were only told that Ortega would be widened in the future and we may be inconvenienced at that time. We have continued to use this access once or twice a year for the past 19 years. Over the years, we inquired at the City planning desk about the widening and what would be involved. We were always told that it was no longer a City project and would be done by CALTRANS.

1993: Built our current residence. We found out about the relinquished rights when we were in the design stages of our grading plan for our house construction.

2005: I visited the Cal Trans Offices where I was given the preliminary plan for the widening of Ortega Highway at our property boundary. All of their plans showed an opening with a retaining wall starting at lot 2 ending at the dirt road access and continuing to Shadetree Lane entrance. Proceeding with this knowledge, I did a lot of cleanup of old farm debris, unstable soil and fire hazards etc. During the cleanup I had the opening graded to better meet the preliminary design for minimum future changes. It is even more important now to have emergency evacuation access due to fire or other possible disaster for horses. It is impossible to do this via Shadetree. When my husband was injured, the paramedics had to use this emergency access to evacuate him. Our future plans include a permanent fence and gate to prevent free access to the property and we have been looking forward to doing this as soon as we knew how the widening of Ortega would impact the lot. We have been in a stalled position with barn location and corrals due to this uncertainty.

May 30, 2006: Attended City Counsel meeting on Caltrans Plans for Ortega widening project: At the City meeting to discuss the widening of Ortega, the preliminary plans still showed the dirt emergency access road open.





<u>Timeline after Nasser Abbaszadeh letter stating that he was requesting that the access be closed (Walled up) i.e. 7 Months of working with Nasser</u>



1/3/2007: Received letter from Nasser stating that he is eliminating the property's Ortega Highway emergency access (wall it up) As per Nasser's response in a telephone conversation, we were notified of an upcoming meeting with HDR and Cal Trans about the Ortega widening.

1/5-1/7/2007: Made calls to Mili Lim (Caltrans) and Bill Bennett (HDR Engineering) and Nasser Abbaszadeh (City of San Juan Capistrano) concerning the meeting and review of the Ortega access.

1/7/2007: Calls returned from all above in reference to the Ortega access and widening project. Nasser said that he had to review the opening plans and feasibility with Mili and Bill. He said it was not a City issue but a Caltrans issue. He said that he would have to proceed only with permission from HDR to keep it open. Mili and Bill said "it was not a CALTRANS issue" but rather a City issue and they just needed to get direction from the City. I relayed to Nassar in a separate call that CalTrans had told us that there was no need for a wall. Nasser said that he would have to get back with me about this. Mili and Bill both returned calls when I shared this information with them and they reinforced the fact that it was a City issue. Nasser arranged a meeting with Bill at HDR and myself on January 25 to discuss this possibility.

1/16/2007 Called Mili Lim at Caltrans and she said she was sure that the city would want to accommodate us in our request. She would need to know as soon as possible so changes could be made in design. She even suggested installing a removable post (I think she called them bollards) so there would be no free access. I told her that we would love to gate the access point to prevent unauthorized use too. She said to bring that to the City's attention as well.

1/25/2007: I met with Nasser Abbaszadeh and a representative of HDR Engineering on January 25, 2007 to discuss the construction of a wall that would block our emergency property access and severely limit the utility of our property. Caltrans and HDR Engineering originally had left the access open. Both Caltrans and HDR said that they do not object to opening the emergency access road as long as the city relinquishes its rights and interest. In order for them to go back to their original plan they needed to have the city provide a letter stating that it has no interest in denying us our property access rights. We have graded this entry to meet Ortega level as it stands. HDR seemed favorable to this information but needs to know as soon as possible that the city has no further interest in denying this access.

I asked Nasser who would be the best person to discuss the legal concerns about the access rights and he directed me to John Shaw, the City Attorney.

1/29/2007, 2/23/2007 3/1/2007, 3/20/2007: As per Nasser direction, I called the city attorneys office and was referred to Omar Sandoval. He said it was not a City issue but a









Caltrans issue but upon further discussion said he would have to discuss this issue with Nasser Abbaszadeh to understand the City's position and help us resolve the problem.

3/20/2007: After leaving messages with Omar Sandoval of the city attorney's office and receiving no response, I called Nasser Abbaszadeh to discover what advice he would provide to Omar Sandoval(who said that he had been trying to contact Nasser for weeks). I told Nasser that we had contacted Omar and he needed to know the City's position on the relinquished rights. He said that I need to provide a public benefit for consideration. He also said that Caltrans wants a minimum of openings on Ortega. I reminded him that Caltrans had no objections to the access and wanted to minimize the impact on the home owners and had planned to leave it open until the City provided them with the letter dated, January3.2007. I asked him who would be able to help us change this denied access and he said the City staffers but he did not give me any names or job descriptions. I said would that be a council member or the City council or the Mayor and he then suggested that the Mayor would be a good place to start.

Omar Sandoval returned my call and we reviewed Nasser's considerations about the staffers and public benefit and was happy to hear that we had scheduled a meeting with the Mayor. He said that the mayor would be able to intercede on our behalf and has the power to override any staff recommendations. He also shared with me that the staff Nasser was referring to would be the City Engineer (Nasser) and maybe the traffic engineer.



3/22/2007 Spoke with Lan (HDR Engineering representative) again to update her on the latest information about the access situation. She reminded me of the critical time consideration to make the necessary changes and said that she needs a release letter from the City reversing the relinquished rights and then she can proceed.

3/28/2007 Met with Mayor Allevato and reviewed our concerns and past meetings with Nasser, Caltrans and HDR. He said he understood our concerns and would give it his consideration.

I called Nasser (city) and Lan (HDR) and Omar (attorney) to let them know that I had met with the Mayor and he would be involved in the decision.

5/12/2007 Roger had a heart attack so we were not able to pursue our request or results of our meeting with the Mayor.

6/14/2007 We talked with Mayor Allevato about Ortega Access again and reminded him of our request to leave it open. He asked if it was all resolved and we had to admit that we had not heard anything from the City about it.

6/15/2007 Called Nasser about our follow-up with the Mayor and he said he had to research it and get back to me. He did not return the call as of 7/11/2007



Called Omar just to let him know that the Mayor was involved and we had a favorable meeting with him. He said that a Quit Claim or map amendment is all that is



needed from the City allow the Ortega Access. We finally have an answer. Omar also said that the Mayor has the power to override staff and /or council recommendations.



Called Mili Lim at Caltrans and she said they were just a review committee and HDR was handling the engineering so she referred me to Lan at HDR.

Called Lan and left a message.

6/16/2007 Lan returned my call and said that there will be a meeting after July 10th so I could submit any revisions at that time.

7/10/2007 Called Omar and left message about getting the Quit Claim form .

7/11/2007 Called Omar again but he was still out of the office so I was referred to his E-mail. I sent an E-mail to inquire about obtaining the form.

7/11/2007 Attended TransportationCommission meeting to try to get someone to respond to our 6 month old request for Ortega access. Erin Kutnick said that "It is a Caltrans Road", Alan Oswald was not aware of any discussion about our 6 month Ortega Access discussions with Nasser and others. Alan said that this was the first that he had heard of it.

7/17/2007 Roger became so frustrated with Nasser's lack of responsiveness and desire to assist us as well as the unreturned calls that he sent a "Request for Assistance" to the mayor, city manager, city attorney and City Council in an attempt to get someone to assist us. We attended the City Council meeting that night to try to get assistance.

7/17/2007 Omar Sandoval responded to our unanswered emails and calls with a letter and e-mail stating that We will need "to file an appropriate application requesting City relinquishment of the subject access rights with the City's engineering department (Nasser)...The application will then be reviewed for completeness and transmitted to appropriate commissions and the City Council for final action" He also stated that both he and Nasser had indicated in prior conversations that we must follow a procedural process to formally request the city to consider our request....This is not true as for 6 months I have been requesting information from them on how to get our access rights back. If they had said how to do it, that is what I would have done instead of the wild goose chase that they have sent me on. This is documented in the timeline!

7/17/2007 Saw Nasser at the City Council meeting and he agreed to meet the following day to start the application process.

7/18/2007 Met with Nasser for a few minutes who informed us that there is no real formal administrative procedure for this request but that Nick Taylor in Planning would take Roger's e-mail information and coordinate assembly of the application with necessary departments at the City.





7/24/2007 Attended Caltrans presentation at Marco Forster school and met talked with Caltrans and HDR to discuss property and wall issues. HDR said that it could cost one million dollars to keep our access open. I told them that I had an estimate of \$2,000 to grade the existing access to the new Ortega Highway grade level. More information is needed to understand their cost. They may be working on an old Topo and not be aware that we had improved the grade a few years ago.

7/31/2007 Roger sent an additional email to Nick Taylor to include more information on the limitations of the property access.

7/31/2007 Nick Taylor sent Roger an e-mail stating that the project was now being directed by David Contreras, associate planner.

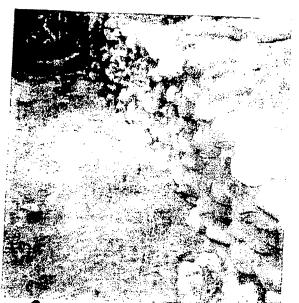
8/3/2007 Seven months to the day of first receiving Nassers letter and us contacting him for help we finally received a letter from Nasser dated July 30,2007 stating it would cost \$1.1 million to keep the access open(our estimate was \$2,000 max.?) and that for us to file an application at the planning counter we would need to give the city a \$3,000 fee to pay for staff time (I thought that this was what they were spending the two weeks doing) and that he and staff would recommend denial of our request anyway.

8/24/2007 Roger submitted our response to Nassers letter.

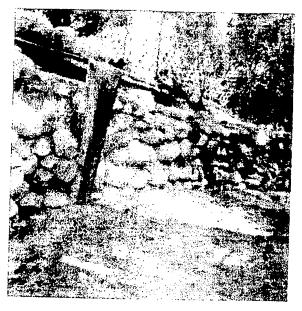






Lot 63 Maria


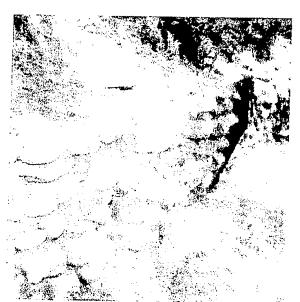
Bock Wall Sheletres Lever 7/07



Rock Wall-Shaddon Love 7/07



Rock Wase Speciation Laws Folgo



Row Wall
Stadeton 7/07

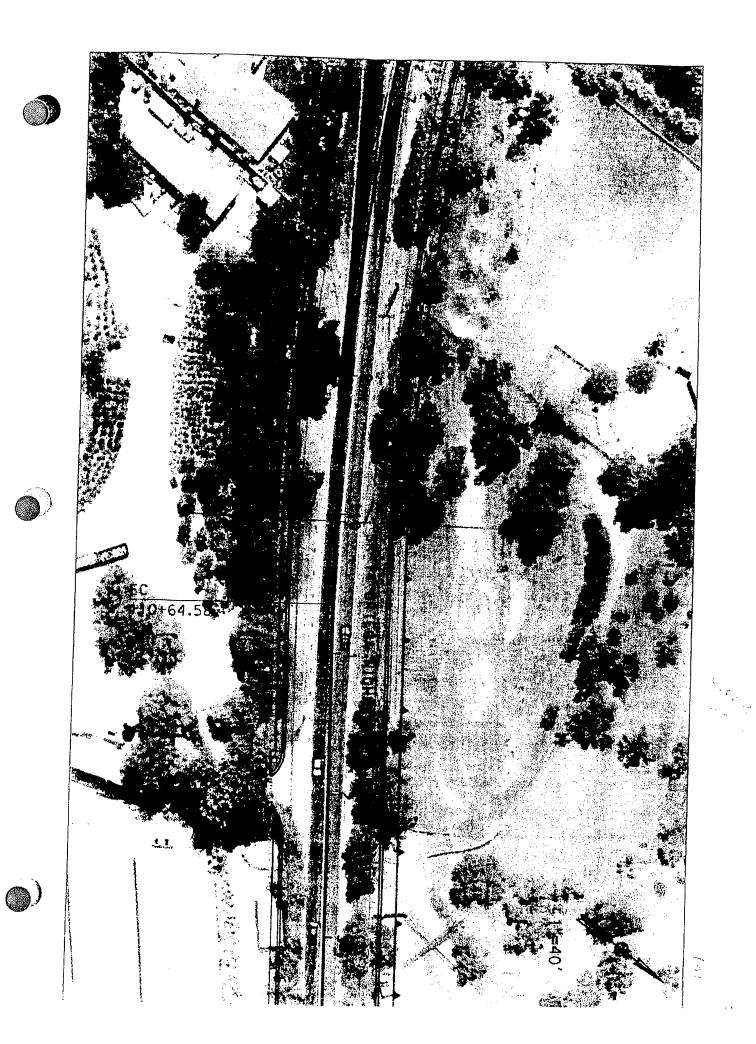
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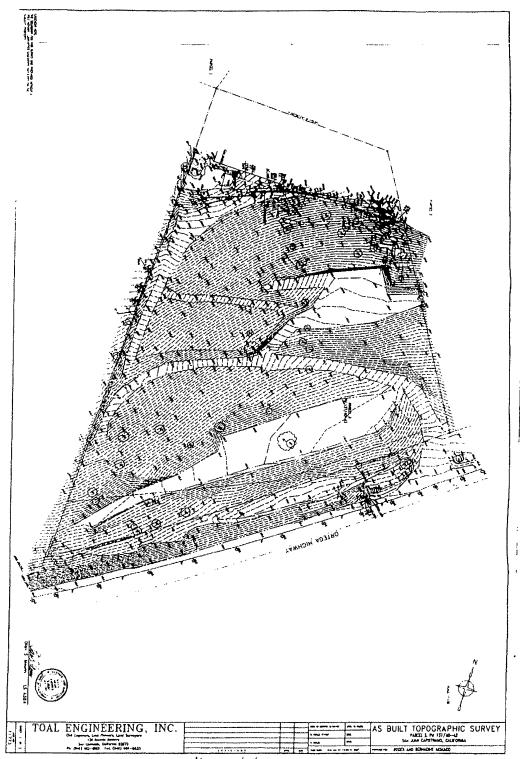


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2 127





Monaco Lot



28241 Orkga /hgnway 20-penings for ingress regress



ORTEZA HIERUTY



ADDITIONAL ADDITIONAL ADDITION WE LANGUIA EAST OF STARBUCKS & CARRIUSSON



OLD GIDDINGS RANCH ACCESS (BESTOF & SHADETREE)





To <Lower74_D12@dot.ca.gov>

СС

07/09/2507 08:26 PM
Please respond to

bcc

<pat@

Subject Do not widen Ortega

To whom this does concern:

Please do not widen the Ortega. Widening this street will not solve the traffic problems which 14,000 new homes will create. Extending the toll road into that area will help, putting Avery through to there as the Master Plan requires will help, and so will extending La Pata to San Clemente. The Ortega/5 interchange is already horribly overused, not to mention the loss of character our town will suffer by becoming a driveway to the new community. Please, just say no!

Thank you.

Pat Smith 31181 Calle Bolero San Juan Capistrano CA 92675



1-14





"Patty Smith" <pat@

To <Lower74_D12@dot.ca.gov>

CC

08/09/2007 03:15 PM

Please respond to

<pat@:

bcc

Subject No Ortega Widening

To whom this does concern:

Do not widen the Ortega Highway. San Juan Capistrano is not a driveway--we are a small town that likes being a small town. We do not want four lanes of 55 MPH traffic rushing through our town to clog up our already over-utilized freeway intersection.

San Juan does not want:

--more traffic

--faster traffic

--high and huge sound walls

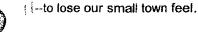
--sound pollution

--light pollution

--lower property values

--fewer trees

--higher taxes to pay for services that benefit out of town traffic



Pat Smith 31181 Calle Bolero San Juan Capistrano CA 92675

/ D--reduced pedestrian, bicycle and equestian traffic



6-15

110

111

V







"Gay Smith" <gaytavi@ 07/11/2007 10:21 AM To "Ca Dept of Transportation" <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Need Stop Sign

Even the present two lane configuration makes it a challenge to enter Ortega from side streets. It can be a near impossibility to make a left hand turn onto the road due to dense traffic. When the traffic flow and speeds are increased with the highway widening a traffic light on the east end of the corridor is imperative.

A natural corner for a stop light will be Shade Tree Lane/Siega closely inside the city limits. Otherwise all residents on both sides of the highway will find it nearly impossible to enter the highway from side streets.

Thank you for your condsideration,

Gay Smith 28511 Ortega Hwy San Juan Capistrano, Ca 92675

P{hon€









"Barbara Matty"

onatty@

07/11/2007 06:53 PM To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Ortega Hwy Widening Project

Caltrans: Department of Environmental Planning Smita Deshpande, Environmental Branch Chief

Attention: Iffat Qamar

3337 Michelson Drive, Suite 380

Irvine, CA 92612-0661

Dear Mr Qamar:

I am writing this E-mail to express my disappointment with the plans for the Ortega Hwy Widening Project. I reside in the Hunt Club and have been here for 9 years. I purchased my home with much calculation as my husband and I wanted to live in a peaceful rural area that provided a country feel. We very much like the Hunt Club as well as the City of San Juan Capistrano due to it's character, the abundance of shrubbery and the maintenance of it's "old California" design. The Hunt Club has character, as does it's appearance from Ortega Hwy. Ortega Hwy is a busy street, yet not that busy in front of the Hunt Club. Traffic starts to back up after Hunt Club Drive toward San Antonio due to the fact that there is only one lane of traffic in both directions. It is at THAT point that the lanes should be opened up to allow 2 lanes in both directions, the start point of the widening project should NOT start at Calle Entradero – especially the soundwalls. There is room on the South side of Ortega to expand the existing lane that merges to one at Hunt Club Drive. There is NO need to damage the façade of the Hunt Club while doing so.



Furthermore, I have one other comment about the entire project. If there was a PROPER traffic study done and if it was read and studied correctly before the Ladera Homes were built, this project would never need to occur. There was no way that the traffic study should have been approved to build those homes – as is now obvious. Those homes should not have been built if there was not sufficient roadway in place at the time to accommodate them. This whole scenario provides the appearance of negligence and misrepresentation on behalf of the various politicians that approved that project as it is apparent that Ortega Hwy cannot support the traffic from Hunt Club Drive to San Antonio Pkwy.

Expanding Ortega Hwy could not have been nor should it be the solution. Now you are punishing all the residents on Ortega Hwy who love the way their Highway looks at this point in time, by putting in UGLY soundwals and Straigtening the beautiful curved sidewalks along the horsetrail across the Hunt Club that gives this City and neighborhood it's character. I am VERY much against the widening of Ortega Hwy and the proposed plan in it's entirety. Especially when it involves destroying the façade of the Hunt Club and the character of San Juan Capistrano.

Sincerely, Barbara Matty



6-18 N

3







"Sue Swanson" <sue@ 07/12/2007 09:17 AM

To <lower74_D12@dot.ca.gov>

CC

bcc

Subject Ortega Hwy

Dear Iffat,

I live in one of the neighborhoods along Ortega Hwy. I am completely against this project, especially the proposed walls. This will take away from the beauty of the neighborhoods and is the wrong solution. I feel that San Juan Creek should be opened up to La Plata. I also feel that Antonio Pkwy/La Plata should be opened up to Pico in San Clemente. This would take alot of the traffic off of Ortega where you want to widen the road.

Please DO NOT build any walls!

Thank you,

Sue Swanson







! ---





JanQuest@: 07/17/2007 08:20 AM

To Lower74_D12@dot.ca.gov

СС

bcc

Subject Ortega Highway Widening Project

How stupid do you think the citizens of San Juan Capistrano are? Not only do you state that this project will not significantly affect the quality of the environment but you

Please explain to me how widening a two lane country road to a four lane highway does not affect the environment. Please explain to me how taking out over 100 mature trees. It does not affect the environment. Please explain to me how adding sound walls does not affect the environment. Please explain to me how adding retaining walls does not affect the environment. Please explain to me how adding 25 foot walls to a historical, 13 scenic roadway does not affect the environment.

Our City Council has asked for an EIR report to discuss these issues. You have stated that no EIR is necessary. What are you afraid of? You are right about one thing. This project will **not** significantly affect the quality of the environment, it will **greatly** affect the



Jan Siegel 27201 Calle Delgado San Juan Capistrano

Get a sneak peek of the all-new AOL.com.







"Larry Kramer" <larrykramer@i 07/19/2007 03:17 PM To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Comments of Ortega Widening in San Juan Capistrano

These are my written comments concerning subject project.

- 1. It is ridiculous and unsafe to have Class II Bike Lanes on a 4 lane highway. Eventually bikers will be maimed and killed. Instead combine the sidewalk with a Class I bike lane. This should also reduce the total width of the road which would make everyone happy.
- 2. The speed limit on the road is currently between 40 and 45 miles per hour. Make that a condition of the road that it remains at no more than 45 mph. This should also reduce the noise level impacting the residents living near the road.
- 3. Use the material on the road which results in the lowest road noise.

Please acknowledge receipt of this input.

Larry Kramer 28371 Paseo Establo San Juan Capistrano, CA 92675 949-240-2235 larrykramer@ acknowledge receipt













"Mark Jimeno" <tmjimeno@₁ 07/19/2007 09:30 PM

To <lower74_D12@dot.ca.gov>

CC

bcc

Subject Widening the Ortega Hwy

6-21

To whom it may concern,

Since the Ortega Highway / Antonio Parkway intersection is being widened regardless, the next logical step for Cal Trans is to begin the widening of the Ortega Highway within the San Juan Capistrano boundary. Serious congestion in the future will be unavoidable unless the highway is widened along the proposed route.

My opinion is IN FAVOR of widening the Ortega Highway.

Regards,

Mark Jimeno





6-22

E-Mail

FROM: James E., Nancy L. Erickson and Kirsten Erickson

28371 Via Ordaz

San Juan Capistrano, CA 92675

TO: California Department of Transportation

Environmental Planning

Smita Deshpande, Environmental Branch Chief

Attention: Iffat Qamar

Lower74_D12@dot.ca.gov

RE: Initial Study (with Proposed Mitigated Negative Declaration)

for "State Route 74 Lower Ortega Widening"

Our Perspective

Our family has lived in San Juan Capistrano for 22 years, and our home is located in the Mission Springs development, with our sole access to Ortega from Via Erecarte, where we now have an east bound right hand turn lane. Kirsten attended St. Margaret's school in our neighborhood from the time she was three years old until she graduated and went on to USC, and served on the City Youth Advisory Board. Nancy served as the Community Development Administrator the City for many years, and I served as Chairman of the City Planning Commission. I also was the City Attorney of Irvine for 10 years, and the attorney who secured the legislative authorization for the Transportation Corridor Agencies and represented them as their general counsel for 10 years.

It is from that perspective that we urge you to consider the draconian environmental impacts of this project more carefully in the context of a full Environment Impact Report. This proposed project will change what now is a beautiful entrance for our rare, historically significant and unique city, aptly designated as a "scenic route," into an unnecessarily typically sterile and unattractive tunnelized urban highway entrance

Demand Considerations

A more thorough analysis of the traffic demand between the major new developments proposed to the East of our city and I-5 is necessary. It appears to us this project is at least premature. Its capacity requirements, design and planning should wait until the alternative diversion routes and projects which have promise to alleviate the lack of planning which has resulted in no east-west routes between

2



Riverside county other than the dysfunctional 91 freeway, 26 miles to the north and the SR 76, 32 miles to the south, either are in place or abandoned,

At a minimum, this project should wait for completion of the southern extension of Avenida La Pata to San Clemente, and the southern extension of SR 241 to I-5, a southbound I-5 off-ramp at Stonehill, and the promised new road off Crown Valley or alternative methods of accommodating the traffic volume increase cause by the new developments planned for the area east of the City, in lieu of converting Ortega into a major thoroughfare. These would reduce the demand for use of Ortega by these new developments to access the I-5 freeway as the only significant north-south traffic facility for this traffic, and provide the only significant east-west connection to Riverside county. There are other options which need to be studied in more depth.

It also is possible that future trash truck traffic to the Prima Deschera Landfill will be reduced in the future. The County of Orange gave out-of-county trash companies a favorable price to use this Landfill to assist its recovery from bankruptcy. However, this will not be necessary forever; and as a result, it is possible that the number of trucks coming from out-of-county on the I-5 freeway up Ortega to Avenida La Pata to use this Landfill will be reduced, thereby reducing the traffic demand on Ortega.



We also were surprised to find no reference at all to the City's extensive 2002 Transportation Plan, which would provide a significant source of information about present and future traffic conditions in this area.

Environmental Considerations

The proposed project would result in a drastically significant change in the environmental character of the scenic route created by the City to a very pedestrian and unattractive virtually tunneled urban highway. On the north side of Ortega, the existing meandering sidewalk and over 100 existing mature trees will be removed, with no replacement or other alternative landscaping, except if funded and perpetually maintained by the City. A 5 to 25 foot high standard masonry retaining wall also will be constructed for several hundred feet along the north side of Ortega, without any architectural or graphic enhancement, in lieu of a stepped back landscaped slope. We think the meandering sidewalk should be replaced, and either a landscaped slope or some architectually enhanced masony wall by graphic art panels or stepped-back integrated landscaping should be provided in lieu of the proposed massive "Chinese Wall."

On the South side, 8 foot high walls are proposed to be constructed immediately adjacent to the street in an effort to mitigate the noise generated for the first row of homes adjacent to Ortega, again, with no environmentally sensitive replacement landscaping, except if funded and perpetually maintained by the City.





This would reduce the visible parking area adjacent to the street, and narrow the existing perspective on Ortega. These sound walls also would be standard masonry walls unless the City pays to have glass enhancements added to preserve some of the existing view at a cost of around \$1 million dollars. This is a very significant cost for a small city to bear just to preserve its existing environment. Traditionally, developers are required to pay for mitigation of the adverse environmental impacts created by their developments. However, here, even though the primary reason why this project is necessary is to accommodate the additional traffic generated by the large developments planned east of the City, it is the taxpayers of the City rather than the developers that are proposed to bear this financial burden.

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While we agree that no additional property on the south side of Ortega should be taken to construct this project, we believe that significantly more attention should be paid to alternative means to preserve the existing environmental attractiveness, and allocation of the costs of adverse environmental impact mitigation.

The proposed increase of daily traffic on Ortega from 24,000 to 42,000 inevitably will result in increase energy consumption and pollution, including the emission of greenhouse gases that cause climate warming. The recently enacted SB 32 by Assembly Speaker Nunez has required the CARB to enact standards limiting the emission of greenhouse gases created by new developments, including those of Caltrans, which already has resulted in litigation by the state's Attorney General challenging EIR's for the County of San Bernardino general plan and the city of Banning "Black Bench" major residential development. It is respectfully suggested that the failure of the proposed mitigated negative declaration to consider these factors also renders it vulnerable to legal attack.

Local Neighborhood Traffic Impact Considerations

Our primary access to Ortega is by means of Via Errecarte, with no right or left turn pocket into or out of Mission Springs other than a west bound left hand turn pocket. As a result, when traffic is heavy on Ortega and we are coming from the east, we already frequently are unable to turn left into Mission Springs and are required to continue west to La Novia and return to our home on Arroyo along the park, for an additional travel distance of approximately three miles. Arroyo is a small local neighborhood street, on which there frequently are many cars parked for major athletic events at the park, with many children crossing this street going to and from these parked cars. This causes a traffic hazard for motorists who must use Arroyo in lieu of the more direct routes from Ortega to their homes in the Mission Springs and other residential developments south of Ortega. With the proposed increase in traffic on Ortega, and no proposed signals, this hazardous local traffic will be increased significantly.



Conclusion

We regret that we probably will not be able to attend the meeting next Tuesday, but we very concerned about the environmental impacts of this project, and respectfully request you to consider our comments and prepare a full Environmental Impact Report for this project, with consideration of all the matters we have attempted to describe in this E-mail.









"Jimeno, Nancv" <njimeno@

To <Lower74_D12@dot.ca.gov>

СС

07/23/2007 05:37 PM

bcc

Subject widen Ortega Hwy - soon!

About once a week I ride my bike along the Ortega Hwy between the I-5 to Antonio, as I either head toward the beach or back home to Coto de Caza. The highway is so narrow that I ride as fast as I can to avoid getting killed because there is so much traffic and no room for a bike lane.

When I drive through that stretch of the Ortega it's terribley conjested, especially in the mornings and early afternoon. Although it's marginally tolerable now, what will that area be like when Rancho Mission Viejo begins their development if the highway is not widened?

So, please, go ahead and widen the highway - the sooner, the better.

Nancy A. Jimeno 3 Bogey Lane Coto de Caza, CA. 92679











"Barb" < loone2ned@

07/24/2007 05:01 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Ortega

My family and I have lived in San Juan Capistrano for 22 years. We are totally against the widening of the Ortega Highway. We disagree with your findings of negative impact to the environment and our rural town. We believe that a full environmental impact study is needed before any plans proceed.

1

2

Sincerely,

Barbara Lunnen









"Vicki Geisler" <vg@

To <Lower74_D12@dot.ca.gov>

cc <hmcare@

bcc

Subject Re: Ortega Highway

07/24/2007 04:46 PM

Please respond to <vg@absolutehealthcare.net>

To Whom it may concern,

Our concerns are many and varied. The traffic, the noice, the impact of smell and sound issues, removal of 110 trees, the removal of sidewalks, 14 and 25 foot sound walls erected that will be grafitied within days, unsafe area to walk since Ortega will become a freeway access to get to the 5 freeway and there will be no sidewalk, property values greatly decreased, quality of life for families and community and business will be so hugely impacted and that is just to name a few of the issues.

Do not allow this widening to continue. Put a stop to the widening before it is too late. Do not destroy the integrity of this historical town. Don't allow CalTrans to continue this downward spiral of a project.

Sincerely, Ron and Vicki Geisler 30662 Hunt Club Drive San Juan Capistrano, California 92675 10

6-25











Julia Sutton <isutton@

To Lower74_D12@dot.ca.gov

CC bcc

07/24/2007 10:02 AM

Subject Ortega widening project

I regret being unable to attend tonight's meeting. However, I support the committee in urging CalTrans to reassess their minimal environmental impact study to include the entire area of Ortega which would be affected, not just that within the city limits. As both a resident of, and employee within, the SJC boundaries, potential damage to our beautiful area is of great concern to me. I am a voting member of this community, and wish to be counted!

Please use my name & this email in lieu of signature on a petition, if applicable. thank you, julia sutton

Thank You, Julia Sutton Communications Manager





Heather Davis <heatherdavis@ 07/24/2007 10:54 AM

To Lower74_D12@dot.ca.gov

CC

bcc

Subject

Please reconsider your plan to widen Ortega Hwy. Mission Viejo is 😝 DUMPING all of their traffic on our historic town. They should have to extended Avery a long time ago and planned their 14,000 homes after the roads were planned. Other projects need to be finished before touching lower Ortega such as the Del Obisbo I-5 interchange, extending La Pata, and the toll road. Lower Ortega Hwy. is a tree lined country feeling entrance to a town that is the last of it's kind, San Juan does not deserve this and we will not tolerate being the dumping ground for all of Mission Viejo's developments! No walls, No tearing down old trees, No rushing to destroy sidewalks and horse trails.

13/4/5/6

6-27

Thank you for your time, Heather Davis









"scottaw" <scottaw@ 07/24/2007 04:31 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject OPPOSE ORTEGA WIDENING

6-28

OPPOSE ORTEGA WIDENING

Why the widening is a bad idea for San Juan	
 Serves OUTSIDE interests at the expense of 	1
San Juan	ì
 Traffic capacity will increase, inducing growt 	h 12
of 14,000 homes!	
 Property values will plummet 	3
 INCREASED TRAFFIC, AIR POLLUTION, & 	14,15,1
NOISE	17,000
 Ortega speeds to increase to an UNSAFE 55 	17
mph	
 Student drivers at GREATER accident risk 	8
abutting trash trucks	10
 Inability to safely make left turns, requiring 	19
U-turns	•
 No traffic signals allowed 	10
 Induced growth will bring more crime & need f 	orl
police services	· ["
 Induced outside growth brings fire response 	112
sirens through our town	1/2
 Traffic will increase from Riverside county 	113
 15-25' retaining and sound walls, the canvas for 	or i 🖂 🗀
graffiti!	
• City taxes & budget impacted (over \$1 million	
hit) for maintenance & upgrade of sound & retaining	1/5
walls	'
 Habitat endangered species at risk 	116
 Loss of scenic highway feel 	1 17



 Loss of 111 mature trees and landscape! 	18
• Loss of street lighting & sidewalks, unsafe for	119,120
students & disabled	• /
 No equestrian or pedestrian crossings & loss of 	121 122
proposed trails	1-7
 Loss of downtown business revenue 	123
 Archaeological & historically significant area 	124
FOREVER impacted	.
Unsafe access for homeowners & equestrians	125
bordering Ortega	ł
Conclusion of Study: Highway will look	
	16
_	Er 4
ORTEGA WILL BECOME A FWY. FOR OUTSIDERS TO	
ACCESS THE I-5!	

Scott A. Wilson

MIS / IT Director

scottaw@ scottaw@ scottaw@

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Daniel J. and Barbara K. Campion 31022 Via Solana San Juan Capistrano, CA 92675

6-29



July 24, 2007

To Whom It May Concern:

We have lived at 31022 Via Solana, SJC for close to 17 years, and absolutely love SJC; however, the noise, pollution and safety hazards of Ortega Highway have made living here almost UNBEARABLE!!!

Our backyard is directly under Ortega with our main living space (kitchen, two family rooms, master bedroom and master bathroom) all facing the backyard and Ortega Highway. We have had to replace kitchen windows to reduce the noise, we do not sleep well at night, we are joited awake by the trucks that start bouncing down Ortega at 3:30 a.m. and then the commuter traffic begins!! The lack of sleep is really affecting our health and happiness!!



We can not have normal conversations in the backyard, especially during rush hours! It is horrible! We can see the vehicles through the trees, and practically feel the rush of air as the vehicles rush by!! We feel the vibrations of the trash trucks, and our house gets dirty and dusty so much faster now.

We are very much in favor of the widening of Ortega Highway to ease traffic congestion as are many of our neighbors. All other planned arties to the 5 Freeway need to be opened as well, to help alleviate the flow of traffic.

We truly believe that Ortega Highway needs to be widened for the safety of all us with retaining walls and sound barrier walls (absorption walls only!) as planned. If made with proper material and utilizing vegetation in keeping with the area, Ortega Highway will still be a beautiful drive.

Ortega Highway is **ALREADY** a thoroughfare to the 5 Freeway; people use Ortega Highway to take Antonio north to the Ladera/Rancho Santa Margarita area, especially if traffic is backed up on the 5. Ortega Highway **ALREADY** has four lanes going into town, so widening the planned area will only create a smoother flow of traffic, with bigger breaks to make it safer for all of us to use Ortega. How anyone in their right mind thinks that a bottleneck from four to two lanes (behind our house) and then back to four lanes at Antonio Parkway makes sense, is beyond us!



As much as we all hate to see the small town of SJC change anymore than it already has, we need to accept the fact that the population is growing in our area as well as the surrounding areas. We hate to see that so many trees will be removed for this project, and that we will most likely see utility lines, but to us, having a quiet backyard, being able to get on to Ortega **SAFELY** is well worth the change.

6

Daniel J. and Barbara K. Campion 31022 Via Solana San Juan Capistrano, CA 92675

Ortega Highway needs help NOW!! Please help ensure that the right thing is done for the residents of San Juan Capistrano, widen Ortega Highway as planned, construct sound absorption walls and retaining walls as necessary and please replant with vegetation in keeping with the surroundings.

Thank you for considering our comments.

Sincerely,

Dan and Barb Campion 31022 Via Solana

Karb Campun

San Juan Capistrano, CA



8





Please print: Dan Campiun Barb Campiun	
Comment:	
Another reason for the widening of ortega w/ sound absorption walls is to clean up the north side just past via Constal. It is a mess, a true eye sore!!	
Also it presents a blind cut ve with the vehicles that are parked as mere: Not to mention the tree growth ranging in the road.	4
when it round debits washes down that hillsale and puddles up morribly! I've seen and heard numerous reported hit the huddles which get very deep and	12
thyan-plane causing near according the dune the same thing turning left from his Cristal anto Ortea.	1
blocking up time arain. Our yards nomes are right be loo that we are afraid of flooding and/or	3
Please more forward with the indening- pleas use sound	113-
supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495	eas the
El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	211,
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.	1
Thank you	<u>'</u> '.

مري ني مري ني





Ilse Byrnes <ilse_byrnes@ 07/25/2007 08:22 AM

To lower74_D12@dot.ca.gov

cc Lennie deCapric

bcc

Subject Ortega Widening

As a longtime citizen of San Juan Capistrano and historian I am very much in opposition of the proposed widening of the Ortgea.

Historically this route was called Hot Springs Rd. and with it carries a lot of historic significance that goes back many years before the Mission was established in 1790.

Changes have occured with housing tracts replacing orange groves and carnation farms- inspite of that we still have the Errecarte House, Hankey Home, Parra Adobe , Harrisson House and historic trees along this route that all would be either severely impacted or destroyed by widening the Ortega.

The increased traffic brings with it vibration that are

detrimental to historic buildings.

It is of the utmost importance to protect the Ortega and it's historic significance and NO widening should be permitted.

Ilse M. Byrnes Historian

Yahoo! oneSearch: Finally, mobile search

that gives answers, not web links.

http://mobile.yahoo.com/mobileweb/onesearch?refer=10NXIC

1

2





Please print: CYNTHIA LAGOS, 27917 Paseo SL Corcho STC9267
Comment:
The Lower Ortega Highway Widening Project is a disasterous iden. Conceived by people - Loha Loat rentice the gen San Juan is
This town is one of the only towns with Ahistoric and rural nearly and setting. It would be wrong to destroy our back
entimate to the city. All the homes that back to the ortegor would loose their property values. Is the state going to pay them for
their westment Losses? The Mr pollution, Desse pollution and Destruction of our benefit of rural environment would note Son I made
well as property values and cause major conjection of our streets
This throughfare would be devestating to this his toric cathan, prince for
Please don't destroy this own of An Aver, come up with better Ideas. Such as diverting frastic to the right on ha Plata
through to SAn Clemente And on left to SAN Artondo And thon to Averyo This iskt SAN JUAN'S problem, Awother solution
would be to close the ortege 411 together, to through tradico

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

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Please print: MONIQUE PEA
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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"Yvonne Tschaikowsky" <yvonne_tschaikowsky@

07/26/2007 05:19 PM

To lower74_d12@dot.ca.gov

CC

bcc

Subject FW: Ortega Widening project (SR-74)

July 26, 2007

To Whom it May Concern at CalTrans,

Re: The Mitigated Negative Declaration presented to San Juan Capistrano on July 10, 2007 concerning the widening of the Ortega (SR-74).

I have lived in this town for over 15 years and like so many other residents, place great value on its history, its rural vistas, and its unique village-like character.

The impacts presented in the MND - loss of more than 100 mature trees, views blocked by unsightly retaining and sound walls, having the appearance of a 'thoroughfare', increased noise & pollution, increased traffic & speeds with no crosswalks or stop lights provided - are MORE THAN significant and place the safety of residents and the very character of our town in jeopardy.

Please join City Hall and the residents of San Juan Capistrano in doing everything possible to ensure the preservation of our special town. Please conduct a full Environmenta Impact Report to ensure MINIMAL Impact on our residents and the character of San Juan Capistrano.

Thank you.

Yvonne Tschaikowsky San Juan Capistrano resident

cc: City Council Members c/o <u>CityClerk@SanJuanCapistrano.org</u> <u>DAdams@SanJuanCapistrano.org</u>

Missed the show? Watch videos of the Live Earth Concert on MSN.











"J.P. Scanton" <hotdogg@. 07/28/2007 03:07 PM

To <lower74_d12@dot.ca.gov>

cc <cityclerk@:

bcc

Subject Widening of Ortegac/o city council

As residents of the community of Marbella in San Juan, we felt it important to air our concerns over the widening of Ortega Highway. We oppose it for all the reasons that other concerned locals have already voiced. However, it should be pointed out that although this widening will temporarily relieve congestion, it sonly a band aid solution.

Once Rancho Mission Viejo begins the construction of 14,000 homes, it will become painfully obviously that a beltway will need to tie Antonio in with the 73. This proposed road will impact the communities of Ladera Ranch, Hunt Club, Stoneridge and Marbella significantly, but it is the only logical answer of moving this amount of traffic from East to West. Like it or not, this makes sense.

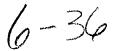
By then, the beauty of Ortega will be ruined and San Juan Capistrano will feel the impact of 4 lanes of traffic on the highway. All that for a temporary fix! Put up with the inconvenience of congestion on Ortega and leave the ultimate solution to the deep pockets of Rancho Mission Viejo. They probably have a plan in place already but don't want to face the opposition to a beltway until they have to.

Sincerely,

Nancy and J.P. Scanlon











"John Bates" <bates.avalon@ 07/28/2007 03:22 PM

To <lower74_D12@dot.ca.gov>

CC

bcc

Subject Comment of Widening project

As a resident of San Juan Capistrano, it is my belief that it is essential to prepare an Environmental Impact Report (EIR) regarding Caltrans' plan to widen SR74 within the city limits of San Juan Capistrano. As a bicyclist, I'm also concerned that a 5' bike lane without a barrier from auto and truck traffic is extremely dangerous. It would be negligent not to reconsider this component in the EIR, especially since SR74 connects with La Pata near the new high school.

Thank you for your consideration.

l' |2

John Rates

No virus found in this outgoing message. Checked by AVG Free Edition.

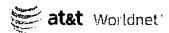
Version: 7.5.476 / Virus Database: 269.10.22/923 - Release Date: 7/27/2007 6:01 PM



From: Postmaster@dot.ca.gov

6-37





[Print] [Close]

From: Postmaster@dot.ca.gov

To: "Kenneth Young" < kyoungdsmith@

Subject: DELIVERY FAILURE: User Lower74_D21 (Lower74_D21@dot.ca.gov) not listed in Domino Directory

Date: Sun, 29 Jul 2007 20:29:36 +0000

Your message

Subject: Ortega Highway

was not delivered to:

Lower74 D21@dot.ca.gov

because:

User Lower74 D21 (Lower74 D21@dot.ca.gov) not listed in Domino Directory

Attached Message

Save Address]

From: "Kenneth Young" < kyoungdsmith@

To: <Lower74_D21@dot.ca.gov>

Subject: Ortega Highway

Date: Sun, 29 Jul 2007 13:29:33 -0700

Gentlemen:

Your proposed expansion of a short strip of the Ortega Highway in San Juan Capistrano is unacceptable for many reasons.

- 1. The widening only affects a short strip of the highway and will not effectively help traffic flow overall.
- 2. The cost does not produce a good value in return by any rational measurement.
- 3. Communities should not be run roughshod over, destroying the ambiance and tranquility of an area simply to satisfy short period needs of those from outside the community.
- 4. The congestion that occurs is just twice a day and is created by autos that are just passing through, not by many residents of San Juan Capistrano.
- 5. Surrounding communities such as Mission Viejo, Rancho Santa Margarita, Ladera Ranch the proposed mega-development of the balance of the O'Neil Ranch and surrounding counties encouraging rapid growth should be required to provide their own traffic mitigation measures without disrupting the peace, beauty and quiet of long established neighborhoods in other cities.
- 6. There is no provision in your plan for all the residents on the south side of the Ortega to enter your proposed speedway and turn left towards town. Their only option will be to turn East to Antonio/La Pata and make a u-turn!
- 7.. To simply rely on the fact that the 74 is a state highway (never designed or planned to be a high volume thoroughfare) to force this travesty on the citizens of San Juan Capistrano is a gross misuse of authority and is morally wrong in the least.
- 8. You have underestimated the solidarity of the community of San Juan Capistrano, residents will give freely to ensure funds to fight this overhanded process for as long as it takes.







Tucker Maryann <mtucker28028@

07/30/2007 04:27 PM

To rahmatolah_yaghoubie@dot.ca.gov, reza_aurasteh@dot.ca.gov, tata_ziaeian@dot.ca.gov, Lower74_D12@dot.ca.gov

cc bcc

Subject Noise testing along Sounwall #1 homes, lower Ortega Highway

Dear David, Reza, Tara and To Whom it may concern,

Please repeat sound test on the following addresses.

The noise tests should be conducted on a workday, Monday - Friday, between the hours of 5am and 7 am. This is when the big rigs and trucks wake us up in the neighborhood between Calle Entradero and Via Cordova. The motorcycles race by on sunny Sundays without mufflers starting at around 10 or 11 am, so the noise levels should be checked then, too. As you know this is where soundwall #1 should be built and we desperately need it. It should be tested in the backyards of the following addresses:

31085 Via Sonora, San Juan Capistrano

31081 Via Sonora, San Juan Capistrano

31075 Via Sonora, San Juan Capistrano

31065 Via Sonora, San Juan Capistrano

and 31055, 31051, 31095, and 31092 Via Sonora, San Juan Capistrano

Please sound test my house, 28028 Paseo Alba, SJC on my driveway where my front door sidewalk begins. The trucks amplify and echo here. It is very loud and reverberates through my drywall.

Please also check the frontyards of these addresses:

31112 and 31122 Calle Entradero. It is very noisy on their frontyards, driveways and porches. Thank you very much. When these house were tested, it was at a quieter time: 9:30am so was not an accurate noise test.

Please respond so I know that you have received this e-mail.

Maryann Tucker

28028 Paseo Alba

SAn Juan Capistrono, CA 92675

Maryann

Moody friends. Drama queens. Your life? Nope! - their life, your story. Play Sims Stories at Yahoo! Games.









Joe Mankawich
< JMankawich

07/31/2007 11:08 AM

To "Lower74_D12@dot.ca.gov" <Lower74_D12@dot.ca.gov>

cc Joe Mankawich < JMankawich@
"imank(<imank(

bcc

Subject Ortega Widening

Dear Sirs,

One of the most endearing memories of my first visit to San Juan Capistrano was to happen approximately 15 years ago following a family camping outing at upper San Juan Creek campground, high in the Ortegas above San Juan. Little did I know that years later I would return to live and work in this magical place. The impression that it had left on my psyche must have called me back in some more primordial way.

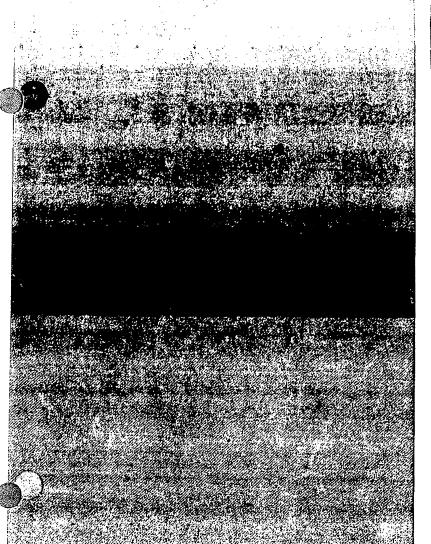
We had spent a few days camping and day hiking. We had a lovely time enjoying the nature that the Cleveland National Forest had to offer. The drive down to the town of San Juan Capistrano was beautiful, almost dream-like. How a place like this could exist so close to the huge urban sprawl that Southern California had become amazed us all. The drive immediately into town welcomed you with tall trees and equestrian fencing...this was a special place. Light glinting through the trees, we slowly drove down the Ortega into this lovely village which seemed to appear from the past. I had driven past this town a hundred times on the 5 Freeway on journeys to San Diego and places south, never knowing what was there. Approaching from the east you get to feel how San Juan was before the freeway cut it in half. If you can shut your eyes when you cross the noise and fury of the overpass, and ignore the gas stations and fast food places built to feed the freeway, you soon find yourself in a place of peace again.

I am afraid that the replacement of tall walls for tall trees is not a fair one. And it certainly is not without impact. The feeling of the easterly entrance into San Juan Capistrano will be forever forsaken for better traffic movement. Once again San Juan will be cut in two. But in the end this will change this little jewel of a town and the magical feeling you get when you find a hidden treasure.

Joe Mankawich Associate Engineer City of san juan capistrano 32400 Paseo adelanto San Juan Capistrano, CA 92675



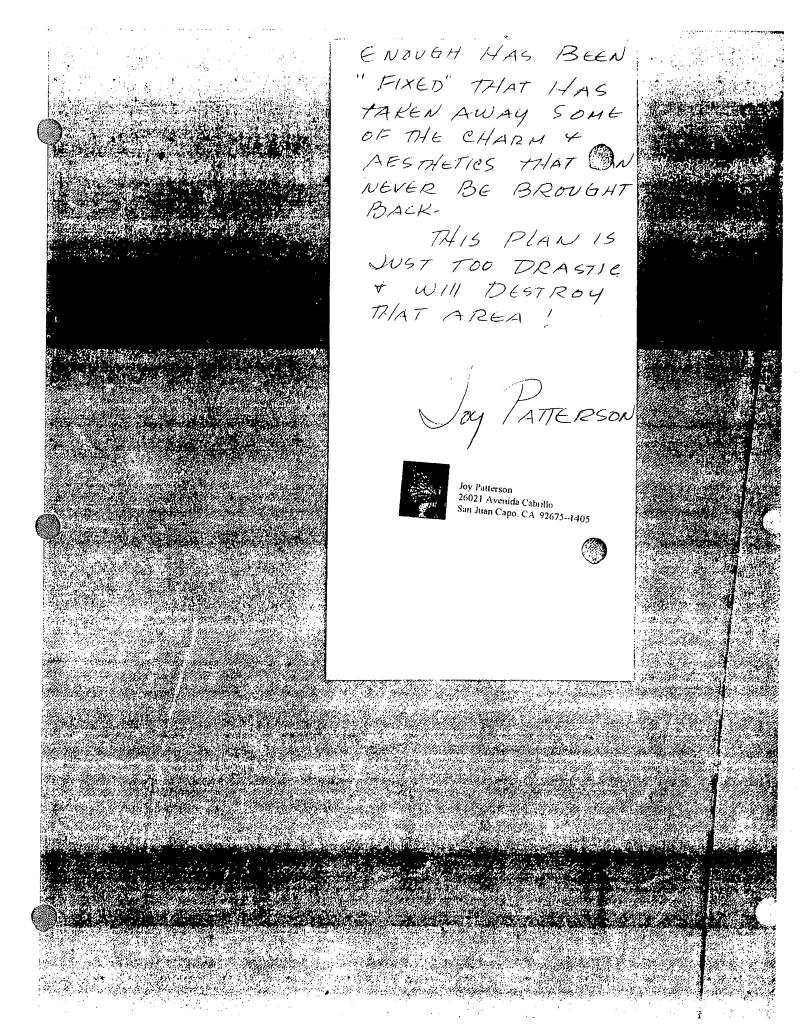
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Ms. J. Joy Patterson NOW THAT I FINAlly GOT THE ADDRESS WRITTEN DOWN! WHEW I WANT TO LET YOU KNOW I AM OPPOSED TO YOUR PLAN FOR THE WIDENING OF ORTEGA THAT you HAVE PLANNED- OUR TOWN CAN NOT TAKE SUCH A DRASTIC WIDENING WITHOUT WUINING OUR GREAT LOVELY ENVIRONHENT. "Remember, your brothers are here, too." Albert Schweitzer

6-40







"Shelagh Hegarty" <shelaghhegarty@ net>

07/31/2007 12:49 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject

I am against the widening of Ortega for the following reasons, the removal of 100 hundred trees, the 11/2/3 building of sound walls, the damage to the small town atmosphere.

Shelagh Hegarty shelaghhegarty@:









Please print: Tulie Moore	
Comment:	
	1
I am totally against the ortega widening. I feel The Missim Viejo	` 1.
Company should find afternate roads to get to the 14,000 homes being	ŀ
built off of 74 (witigs) other internatives foldering would be LA Pata From	
San Clemente - san Juan Creek Rd and of Course Mission Vicio - Antonio PKWay +	D
Other concerns would be tearing our beautiful trees down + sidewalks.	3
where would children walking to the wew school walk- safely! Bicylists et	
I don't feel that neposed Sound walls would be MASSET. I Love the	
That feel the proposed sound walls would be ASSET. I Love the Matural branks that when we trave I East is lots of trees. That would	C
be lost by widening ortegg. I food by widening ortegg + pulting up	
the walls it would just look like Riversider or other country. That	
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	
supporting technical studies are available for review and comment at Caltrans District 12,	
3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning	
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Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.	
X copy sent to	

City of SJC planning DENT 32400 Pasco Adelanto SJC, CA 92475 August 1,2007

Dear Sir!

Please consider conducting a full!

environmental study for the Ortega 74!

widening project. Building walls and 2

widening project. Building walls and 2

destroying over 100 mature trees is 3

NOT acceptable to our community

of San Juan Capistrano.

Sincerely,
Regulard Millamil
Ohyllis Willamil
25-97/ Calle Ricardo
SJC, CA 92675





"Laurie Seymour" <mckay@ 08/03/2007 07:47 PM To <Lower74_D12@dot.ca.gov>

cc "Yvonne Tschaikowsky" <yvonne_tschaikowsky@hotmail.com>

bcc

Subject Ortega Highway Widening Project

Dear Sir/Madam,

We wish to comment on the Project Initial Study & Proposed Mitigated Negative Declaration. As residents of San Juan who live very close to the Ortega Highway, we are very concerned about the dramatic changes proposed to the road in order to accommodate more traffic. San Juan is the last city in Orange County that still has a "rural" feel and prides itself on maintaining its historic character. The Ortega Highway is a scenic road and we should strive to preserve it as such. Contrary to CALTRANS opinion, the proposed widening with its sound walls, retaining walls and removal of mature trees, will have VERY significant impacts on the environment and dramatically alter the character of the road and the quality of life for San Juan residents. We really don't want the Ortega ending up like the 55/Newport Blvd. thoroughfare, turning it into a speedy driveway to the I-5. Alternative routes should be developed first in order to alleviate traffic. It isn't right that our town should be sacrificed to accommodate traffic coming from other areas, especially when the Rancho Mission Viejo homes are constructed.

We strongly support our City's demand that a full EIR be prepared for this project. There is too much at \ \'\/\ stake to accept anything less.

Thank you for considering our comments.

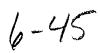


Sincerely,

Laurie S. Seymour
Joseph S. Seymour
31481 La Calera Street
Son Juan Canistrano CA 92675

This email has been scanned by the MessageLabs Email Security System. For more information please visit http://www.messagelabs.com/email









"R SCHRANK" <rschrank@ 08/04/2007 09:18 PM To <lower74_d12@dot.ca.gov>

CC

bcc

Subject EIR

I request that a full EIR be made before any work is done on the Ortega hyw.

1

Bob Schrank 31021 Via Limon San Juan Capistrano Ca. 949 240 8802



6-46

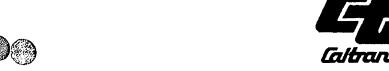


Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Name: GAIL ZUKOU) 7/30/07	
Comment:	
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9 tound you staff at the presentation to be peverely ill-	
Informed. When asked questions they would look like a deel in the headlights + Then refer you to mother person who sidn't know the answer of gasked why we didn't	3
"Viritina" However mo one knew what the "criteria" was ! I felt you held the meeting so you could say "We he a public meeting," however you seally gave us shody or	ld
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http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse.	
In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.	







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Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse.

In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

6-48

Public comments re: Mitigated Negative Declaration of Ortega widening,

referred to as document in my comments

Submitted by: Rosemarie McCabe
31092 Via Cristal
San Juan Capistrano, Ca. 92675

The document has not adequately analyzed the impact of road widening to public health and safety. Currently the speed limit is 40mph from I -5 to Via Cristal, document suggests widening will result in a 60 mph Ortega in the city. This will make any one needing to make a left turn at great risk for a severe accident. Having to cross 2 lanes at highway speeds with no traffic lights between La Novia and La Pata will cause accidents, maybe deaths. Public safety will require lights, not just at the widening points but also between La Novia and Calle Entrada, this is due to the increased speeds and autos.

Who will pay for the installation and maintenance of the necessary lights?

Document dismisses the impact of schools on the road widening but fails to analyze the dangerous conditions it will create for new drivers attending SJHHS. Not only will children be required to share the road with the abundance of trash trucks on the Ortega, the will be doing it at accelerated speeds while having to make dangerous left hand turns.

Document does not adequately analyze the impact of autos on the particles in the air. The necessary lights installed for health and safety reasons will create stop and go traffic resulting in C.O. hot spots and poor air quality along the entire Ortega. Document does not address this issue.

Currently drivers entering San Juan through Ortega are treated to a scenic, rural, equestrian gateway to town. I believe the little, Welcome to San Juan Capistrano, sign on the Ortega with a mandatory one lane slow down does a great job of reminding everyone they are entering a small, historic, beautiful city. We want drivers to slow down. We welcome customers into our shops, and tourists to our mission. We are happy to share our horse trails and bike paths. BUT THIS IS OUR HOME AND WE WANT DRIVERS TO SLOW DOWN!

With the one lane resistance gone, drivers will not slow down. Document suggests that it is acceptable for autos to fly through the Ortega at 60 mph. For the health and safety of neighborhood residents who need to access the Ortega, stop lights will be required. Instead of the slow, safe, non stop traffic we experience now, traffic will stop at lights and go fast in between,

11/4/09 Cares





resulting in increased wait time for traffic lights. This will create C.O. hot spots along the Ortega and an increase in particles in our air. Document fails to analyze the resulting air quality because it fails to recognize the need for traffic lights.

Document fails to address the cumulative effect the speeded up, high density, stop and go traffic will have on *all* established neighborhoods along the Ortega. Sound walls will be needed along the *entire* length of the Ortega as *all* neighborhoods will experience the negative noise levels associated with the widening of the Ortega.

Document fails to analyze the value of moving more autos at dangerous speeds through established neighborhoods while neglecting to upgrade the Ortega /I-5 interchange. The Ortega is usually backed up at this intersection now; jeopardizing the health, safety, air quality and noise level of city residents, only to have commuters sit and wait to enter the I-5. This is not prudent regional planning.

Document fails to adequately analyze viable alternatives to the widening project. Currently, commuters to/from Riverside county who want to go north in Orange County have alternatives. They can access the Antonio Parkway and toll roads. However, commuters who want to go south have no alternative but to take the Ortega to the I-5 and contribute to the bottleneck at Camino Las Ramblas, Camino de Estrella, and Ave Vista Hermosa. The widening of the Ortega will do nothing to relieve regional traffic problems and it will severely impact city residents who live along the Ortega. Drivers will experience the inevitable hurry up to wait at the I-5 interchange then slow traffic on the south bound 5.

Document does not adequately analyze the negative effect the added autos will have on the I-5.

An alternative that would truly provide a regional solution to traffic would be the completion of La Pata. Since most of the new and projected development in Southern Orange county is centered in the eastern part of San Clemente and land east of San Juan Capistrano an eastern access to the Antonio Parkway is warranted. A North /South alternative to the I-5 is the extension of La Pata. This would allow residents to completely by pass the heart of historic San Juan Capistrano if they are looking for a quick and direct route. It would relieve pressure on the I-5, something every one agrees is needed.



A La Pata extension would also make an alternative route for students traveling to the new San Juan Hills High School. As it stands now SJHHS is located on a dead end La Pata in a high fire hazard area with only one way in or out.

Document fails to adequately analyze the cumulative effect the multitude of

Before spending tax dollars Caltrans needs to do a full E.I.R. on this project. Cumulative effects including visual, noise, safety, and air quality, to *all* of the neighborhoods along the Ortega need to be assessed and disclosed. The Mitigated Negative Declaration is inadequate in this area. Realistic proposals for *all* Ortega neighborhood residents needing to make a left hand turn need to be addressed. Implications to the use of U turns for *all* left hand turns along the Ortega need to be assessed and disclosed. The Mitigated Negative Declaration is inadequate in this area.

automobiles will have on San Juan Creek.

14

Most importantly, E.I.R. needs to offer alternatives other than project/no project. Instead of project that is inconsistent with our rural, equestrian, historic city, a regional approach to the problems facing Southern California drivers is necessary. It just may be that our limited tax monies would be better spent offering an alternative to entering the I-5 at the Ortega. It just may be that diverting traffic away from our dedicated equestrian city, away from a tired, over used I-5, to the new eastern developments is just the regional solution that will benefit everyone. We need Caltrans to take the lead here. Do a full E.I.R. that adequately discloses alternatives to a regional problem.









"Jeff Singer" <singjeff1@ 08/05/2007 10:51 PM To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@? J. COLLIE TOCHOIKOMSKY (P) Tschaikowsky <suzziesing3@

bcc

Subject

Hi Cal trains

We request a full environmental report be completed and presented at a public meeting of the SJC city council.

We are very concerned about the added noise and the removal of trees and sidewalks.

12/3/4

SJC is a great town with many dog walkers; bicycle and horse riders and we do not want to see our sidewalks and trees removed!

We are very concerns about the widening of Ortega hwy in SJC and request a full environmental study.

Thk you Jeffrey B. Singer\Susan D. Singer SJC resident Singers at 27861 Via Estancia SJC 92675









initial Study with Proposed Mittigated Megative Decial ation	
Please print: Bonnie HOLT + DICK HOLT	
Comment:	
Lamentably, This project is ruinous for	[
hurden us with the traffic congestion	1
to nation mein arrival at the 5 Fuy, Sale	
to the more granted and confection !	I .
Please insist that a full EIR he done	12
Those That recc. "Other than Ortega"	13
San Juan Creek 7 LA PATA, Las Ramales	P
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	
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Please print? Name: 1 USSEZL WEZSH	
Comment:	
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dollars more wisely am a zantanywidening,	15
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	7
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.	

We need an EIR! Stwellprive Im right,

18







Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Sandra Weaver
Comment:
Ortega Highuby in San Juan Capistrano
has been one of the most beautiful parts of
the town. Most of the traffic generated
through this area comes from outside our town.
I don't believe we should widen our road,
take down one hundred and ten trees, and
put up huge sound walls to accommodate traffic
from the Lake Elsinore area. I am strongly in
favor of the tunnel under the Santa Ana Mountains
to help elleviate this traffic problem. PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and
supporting technical studies are available for review and comment at Caltrans District 12.
3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning
Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495
El Camino Real. The document can be viewed on line at:
http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse.
In addition, comments can be e-mailed to Lower74 D12@dot.ca.gov





6-53

Public Comment Card
State Route 74 Lower Ortega Highway Widening
Initial Study with Proposed Mitigated Negative Declaration

Please print: Rhett + Nicole Brose
Comment:
28431 VIA ANZAR - WE ARE AGAINST The "FOROSED"
Widening OF ORTEGA FOR MANY REASONS. FIRST OFF
SAFETY, OUR PROPERTY ABUTS HWY 74, AND with
the widening would Ploude No buffering for
Safety between Hwy 74+ My Property Line, Leaving
US FEBRING TRAFFIC IN OUT NOW PEACFULI back yold.
Secondly we walk Daily along Hay 74, ON Side-
walks you will be removing. This will diminish the
San Juan Capistrano People Friendly lifestyle . WE
ART Also FRUSTRATED, That you think you could
remove the entry/exit to our Neihborhood. A150 the
NOICE And Length of Construction would Not be
tole/2 ted OUR Neihborhood is A quiet Family oriented,
heaven away From the hustle hustle of city Like, That's
Why there is Not inte house valued under 1.5 Million.
FOR YEARS TO COME. WE WILL FILE A SUIT AND FOLLOW
Litigation AS LONG AS it TAKES.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and
supporting technical studies are available for review and comment at Caltrans District 12,
3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning
Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495
El Camino Real. The document can be viewed on line at:
http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to

CONTACH! THE LAW OFFICE OF COPEY Taylor 27128 A PASED ESPADA #1501 SAN JUAN CAPISTRANO, CA 92675

Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse.

In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

RE: Rhet Brose





"Cheryl Butler" <cbutler@' 08/06/2007 12:54 PM

To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@

bcc

Subject Ortega Widening Project

As a resident of the Hunt Club community in San Juan Capistrano, I would like to request a full Environmental Inpact Report be completed to assess all the ramifications of the widening of the Ortega Highway.

Thank you, Cheri Butler 30941 Steeplechase Dr. SJC, CA 92675











"robert arrigoni" <rarrigoni@ 08/06/2007 05:27 PM

To Lower74_D12@Dot.Ca.Gov cc cityclerk@sanjuancapistrano.org

bcc

Subject

As a resident of The Hunt Club in San Juan capistrano, I am very concerned at your proposal to widen the Ortega Highway. This proposal will exacerbate an already dangerous situation for the members of our community as well as all the homeowners of this part of our city. I urge you to initiate a full environmental impact report so that the entire traffic problem will be dealt with and that ample opportunity for community input can be achieved. Robert Arrigoni 30832 Hunt Club Dr. San Juan Capistrano, Ca. 92675.









"Kim Lefner" <klefner@c 08/06/2007 05:56 PM

To <Lower74_D12@DOT.Ca.Gov>
cc <CityClerk@SanJuanCapistrano.org>

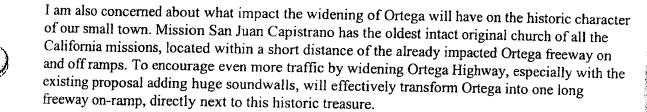
bcc

Subject Ortega Hwy widening

To Whom it May Concern:

As a resident of San Juan Capistrano, I am concerned about CalTrans' refusal to do a full Environmental Impact Report for widening the Ortega within our city limits.

CalTrans opted to do a less thorough study which states there would be 'no significant' impact on our community from such things as: the removal of sidewalks and 110 mature trees, views blocked by sound and retaining walls, no stoplights or crosswalks to be provided despite increased traffic and speeds. In fact, residents along the Ortega are being told the safest way for them to make a left turn into town will be to travel to the only light near Antonio at the northeastern most portion of the city limits and make a U-turn, which is an outrageous imposition on the residents of San Juan, and a potentially unsafe condition.



Our City has hired an Environmental Attorney to pursue demanding a full EIR to ensure MINIMAL impact on residents and the character of San Juan. Please respect our wishes and the concerns of our community.

Sincerely,

Kim Lefner

31182 Harmony Hall

San Juan Capistrano, CA 92675







"Cheryl Troskv" <ctrosky@ 08/07/2007 12:43 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Objection to lower Ortega widening

Dear Mr. Qamar

Ben Trosky and I object to the widening of lower Ortega, and associated sound walls. This project is poorly designed, and has not allowed individuals fair notification. The widening will create a safety hazard for our family, and destroy a scenic corridor. A valuable sidewalk on your plan will be removed which borders our property, and is required to remain by law.

11 12

We are asking you to stop your plan to widen Ortega and provide transparency regarding specifications of this project.

Thank you for your attention to this matter. We look forward to your reply.

Sincerely,

Cheryl Trosky



Chery Corrosky

Mr. Iffat Qamar Caltrans District 12 3347 Michelson Drive Suite 100 Irvine CA 92612

August 7, 2007

Dear Mr. Qamar

Ben Trosky and I object to the widening of lower Ortega, and associated sound walls. This project is poorly designed, and has not allowed individuals fair notification. The widening will create a safety hazard for our family, and destroy a scenic corridor. A valuable sidewalk on your plan will be removed which borders our property, and is required to remain by law.

We are asking you to stop your plan to widen Ortega and provide transparency regarding specifications of this project.

Thank you for your attention to this matter. We look forward to your reply.

Sincerely,

Cheryl Trosky





"Cheryl Troskv" <ctrosky@ 09/08/2007 11:48 AM To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject

Dear Mr. Qamar

Ben Trosky and I object to the widening of lower Ortega, and associated sound walls. This project is poorly designed, and has not allowed individuals fair notification or clarity. The widening will create a safety hazard for our family, and destroy a scenic corridor. Your plan will remove a valuable sidewalk contiguous with our property. This sidewalk is required to remain by law. Caltrans does not have the authority to remove this sidewalk. We demand that you explore alternatives to solving Orange County traffic problems outside of San Juan Capistrano.

We are asking you to stop your plan to widen Ortega and provide transparency regarding specifications of this project.

Thank you for your attention to this matter. We look forward to your reply.

Sincerely,



Cheryl Trosky





"Kim Chetnev" <kim@ 08/07/2007 06:06 PM To <Lower74 D12@dot.ca.gov>

CC

bcc

Subject Please Reconsider the Ortega Highway Widening

Dear CalTrans,

Please do not widen the Ortega Highway. We love to walk the sidewalks with our kids and our dogs. The trees that line the road are mature and beautiful. It may seem prudent to help autos zoom through our community to get to the freeway, but speeding motorists will never slow down to appreciate our city like our residents do right now. We are fearful that once the floodgates are opened, without signals, traffic will stream rapidly through our quaint town by way of a sound wall chute to the 5. Please consider the impact this will have on our town. There must be another way.

Sincerely,

Kim Chetney



San Juan Capistrano Resident since 1993







"Sally Hermanson" <sally@ 08/07/2007 09:26 PM To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject

Regarding Caltrans activities on Ortega Highway 74..... NO WAY. Why would you want to turn this rural neighborhood road into another high speed corridor? Many PEOPLE live along this road and use the sidewalks to walk dogs, jog, or just walk. There are already 4 lanes from Entradero to HC Drive if you install a traffic light and eliminate the right turn lane. Basically you would be negatively influencing the quality of life for a large number of city residents.

The trees that already exist serve as all the sound buffer that is needed. No sound wall

can replace this YUK!!

Why is this an issue. Ortega 74 further east is a danger and may need widening but is growing Highway 74 in our neighborhood to support increased travel due to further development and housing? More thought needs to be put into this. Maybe the Mission Viejo Company can support further study.....

Thank you for your consideration.

Hunt Club (Off the 74 Highway) Resident



13









6-61





Phyllis Watson <salphyl@ 08/07/2007 10:32 PM To Lower74_D12@dot.ca.gov

cc

bcc

Subject DON'T WIDEN ORTEGA

TO WHOM IT MAY CONCERN:

The current plans to widen Ortega highway with sound walls and uprooted trees is truly unacceptable.

Caltrans states that on the south side of Ortega, they must remove all existing landscape to accommodate the widening and they say that "both motorists and residents will be negatively impacted." Caltrans conclusion is that "...after construction, Ortega would feel less like a residential community drive and more of a thoroughfare." This sounds to me like there will be SIGNIFICANT impacts on our community.

Caltrans also fails to consider our city's Strategic Transportation Plan from 2002 (which cost us \$100,000). The conclusion of the study was to strongly oppose widening Ortega until La Pata is connected to San Clemente, a southbound off-ramp is added at Stonehill, a new road is made off of Crown Valley, and a new Ortega/I 5 interchange is made. If the widening is done before all of this, the study stated that existing traffic problems would just worsen. Clearly, it is not the right time to widen Ortega.

What also concerns me is the inability to turn left without signals anywhere between the city limits and La Novia. I live in this area, and my kids will be driving pretty soon. That would be a nightmare for me and my family.

In conclusion, the widening of Ortega clearly has SIGNIFICANT impact on the last rural entry into our city and begs for a full EIR. Anything less than a full EIR is a disservice to our residents and an unjustified shortcut.

Thank you for your time.

Phyllis Watson 28076 Via Rueda San Juan Capistrano, CA 92675

3 4









"Pat Wesselink" <patwesselink@c</pre> 08/08/2007 08:58 AM

To <Lower74 D12@dot.ca.gov>

CC

bcc

Subject Widening of the Ortega Highway/State Route 74

Comment:

My name is Patricia Wesselink and I have lived in San Juan Capistrano for 22 years. We moved here from Huntington Beach because we fell in love with the country feel and the charm of driving on the Ortega Highway. We first lived on the south side of the Highway, then after a few years we moved into the Hunt Club. It has been a great place to raise our five boys.

Of course, over the years the traffic has gotten much worse. I use to let our boys even cross the Ortega on foot to get to the other side to go to the Park, but not in the last 10 years. I have been to city counsel meetings to request a traffic light be put in somewhere along the highway to give us a break in traffic, but with no luck. My sons now drive and go to Santa Margarita High School. Turning left onto Ortega Highway out of the Hunt Club is a master feat. I worry about their safety all the time. The traffic coming from the East is moving very fast, above the speed limit of 45, which makes it difficult to get into, even if you are turning right. And there is a steady flow of traffic also coming from the west.

It's not that I am opposed to widening the Ortega Highway from the Hunt Club east to Antonio. I think we need the extra lanes there. What I am opposed to is the idea of taking away the sidewalk on the north side of the highway and removing all the trees along there.

My youngest son still uses that sidewalk to go to his friends house that lives up the street and our housekeeper and many others use that sidewalk to walk from the bus stop or downtown to our community. Ask the guard that sits at our gate all day long, how many people does he see using that sidewalk. Especially, without a traffic light anywhere near, it would be impossible to use the sidewalk on the other side and cross into our community. In addition, the traffic is going to move at an even faster speed once it becomes a four lane highway all the way from the county line.

Another concern I have about the design of this project is the fact that it will shorten the entrance into the Hunt Club not allowing any stacking capability. If only one large truck or two cars are able to stack at the entrance its going to make it even more difficult to turn into the Hunt Club for cars coming from the West without a traffic light to help. Especially when someone is having a function and there is an unusual amount of traffic. Trying to cross two lanes between cars going 55+ miles an hour into a short entrance seems like an accident waiting to happen.

I ask you to please reconsider the proposed plan to remove the sidewalk and trees between Hunt Club and Calle Entrado. And I beg you to please consider a traffic light on the Ortega Highway somewhere near the Hunt Club to make it a little easier for us to get in and out of the Hunt Club, but more importantly to make it safer for our teenagers just learning to drive. Please do not wait until a tragic accident happens first.

Respectfully yours, Patricia Wesselink





6-63





"Barb" <loone2ned@

To <Lower74_D12@dot.ca.gov>

CC

08/08/2007 07:53 AM

bcc

Subject Ortega

It is preposterous for a project of this size that will dump an enormous amount of traffic into rural San Juan Capistrano without a full EIR. I request a full EIR to mitigate all issues pertaining to the widening of the Ortega.

1

Sincerely, Barbara Lunnen







11





"Andrea Bink" <abink@ 08/08/2007 10:35 AM To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Objection to lower Ortega widening

Dear Mr. Qamar

I strongly object to widening Ortega Highway. To negatively impact one community to solve a problem for another is unreasonable. To expect San Juan Capistrano, one of California's most historic and beautiful cities, to bear all the traffic for a larger community doesn't make sense. To ask us to bear the burden of such an impact on the beauty and integrity of this small community is unfair.

Developers of new communities should be required to anticipate and/or solve their own traffic problems BEFORE they build new homes. In the event that this does not happen Caltrans should uphold the integrity of the surrounding established communities above the interests of a new development. In this case it seems that Caltrans is more interested in providing a solution for a developer than protecting a vibrant, historic and important California community.

Our appeal is that you would help us stop this widening. But in the event that the widening is going to take place we need the following to help us decide how this is going to impact our community:

- plans which clearly show what work will be done
- time to review those plans
- a forum for public input

San Juan Capistrano is very proud of its heritage and beauty so we would like to remain in control of what happens in our community.

Sincerely,

Andrea Bink

12

13









paul walker <walkerpa1969@

08/08/2007 02:17 PM

To lower74_D12@dot.ca.gov

CC

hcc

Subject Ortega Highway widening project



Dear Iffat Qamar,

As recent additions to the San Juan Capistrano community, we were initially drawn to living here due to the small town atmosphere and historical beauty it possesses. The town truly is the envy of Southern

I would like to bring your attention to the current project in discussion, the Ortega Widening Project from the intersection of Calle Entradero to just east of Antonio Parkway. I read the reports generated by Austin-Foust Associates and others and found their conclusions to be somewhat disturbing. How can traffic speed be reason to double the width of this road as their primary justification for the project. DOT cites it fails to meet acceptable level of service (LOS). I urge you to strongly reconsider this request for the following reasons:

- 1) Any efficiencies realized by the widening of Ortega will only result in further delays at the Ortega/5 Freeway intersection. What good is it to speed along this intersection only to be halted 100 yards down the road?
- 2) The sound tests in the technical noise impact analysis was conducted at three locations along the intended expansion. They found fourteen potential locations for sound reducing walls along the widened section. Only one of the fourteen walls was deemed to be "feasible", expecting this to deaden the sound. For the poor unfortunate occupants living in this corridor, it is going to be an interesting conversation when the project is approved without additional walls scheduled.
- 3) Caltrans expects the 2030 westbound sound levels to range from 64 to 77.4dBA, I find this hard to predict, and found no information on the projected speed and mix of light and heavy vehicle traffic predicted in this estimate. From my experience of the noise levels on other expanded roads such as highway 76, the prediction is conservative at best.
- 4) The sound tests were not conducted in the horse ranch properties. Is San Juan Capistrano not a horse town? When did we not consider the quality of life of the horses in this town? The sound receptors did not capture this for reasons only Caltrans will know, but with wide open spaces, sound will surely exceed the 77db predicted at 2030 levels.

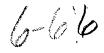
In conclusion, I feel we need to take one step at a time as a resident experiencing life off San Juan Creek road. Observing the bottleneck at Ortega and Intersate five every day makes it hard to believe doubling the road capacity two miles up the road will make the commuters feel better they have a car alongside them while they patiently wait for the Ortega/Interstate five junction to be optimized.

Thank you for your time in reading a concerned resident voicing their opinion.

Regards. Paul Walker 27981 Via Del Cerro San Juan Capistrano, Ca 92675



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"Carol Tuch" <Redcat48@ 08/08/2007 03:44 PM

To <Lower74_D12@Dot.Ca.Gov>
cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject San Juan Capistrano

To Whom It May Concern; I am a 26 year resident of San Juan Capistrano and live approximately 1 mile from Ortega Highway.

Your refusal to complete a full Environmental Impact Report is criminal! Not only will widening Ortega Highway and changing the off/on ramps at Ortega Highway negatively impact the residents along Ortega Highway, it will also negatively impact the trafficflow and patterns throughout the city of San Juan Capistrano.

Additionally, our City should not have to hire an attorney to force Cal Trans to act responsibly. Paying an attorney in this instance is truly a waste of money.

Carol Tuch Paseo La Branza San Juan Capistrano







sjcgarden@ 08/08/2007 04:53 PM

To Lower74_D12@Dot.Ca.Gov

CC

bcc

Subject Ortega Widening

To Whom It May Concern; I have lived for 27 years in the city of San Juan Capistrano, a block from Ortega Highway.

Your refusal to complete a **full Environmental Impact Report** is criminal! Not only will widening Ortega Highway and changing the off/on ramps at Ortega Highway negatively impact the residents along Ortega Highway, it will also negatively impact the traffic flow and patterns throughout the city of San Juan Capistrano.

Additionally, our City should not have to hire an attorney to force Cal Trans to act responsibly.

Susan Palazzo 31482 Paseo Duran San Juan Capistrano, CA 92675

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"Mark Speros" <marksperos@ To <lower74_D12@dot.ca.gov>

CC

08/08/2007 05:10 PM

bcc

Subject Lower Ortega Widening Counter Proposal

I think the current proposed solution will not work in either the short or long term, as it doesn't solve the key issues of either OCTA and the City of San Juan Capistrano ("The City") satisfactorily – OCTA needs essentially a "mini-freeway" to get traffic through San Juan Capistrano, while "The City" wants to maintain it's rural atmosphere and make sure residents along Ortega Highway can both have ingress and egress via Ortega while not be overly taxed by noise, traffic and environmental issues. I do have a suggested solution that I believe meets both OCTA's primary & secondary needs, as well as those of "The City"

The counter proposal (see attached) is based on some ideas and facts gleaned from the Austin-Foust Traffic study done on 6/27/07 (see attached.)

While I want to emphasize that I have no training in traffic engineering, our company has broad exposure in engineering-related issues (our emphasis is commercial and government construction relating to HVAC and seismic & thermal issues).

I believe I used the study is a slightly different way than its intended purpose. The questions I wanted to answer were "How much traffic was originating within San Juan Capistrano and going onto the Ortega?" "How many were coming from Ortega and going to some side streets within the City?" and finally, "How many vehicles were simply traveling through the city to get to the freeway?" I chose to focus on only the "peak A.M." traffic, as a high water mark for congestion (Pages 12 ~ 17 of the 77 page report). I then created the attached excel document from the data they reported, laying out the intersections in sequential order (West to East). I've noted the east bound and west bound numbers as "Ortega Traffic" while the north and south bound traffic are clearly the side streets adding and receiving traffic from Ortega.

The analysis of this report leads to some interesting insights.

- When looking at "All Traffic" measuring total flow both directions of Ortega, volume drops sequentially from 2475, to 2313, to 2080, suggesting that a significant number of cars are going to destinations within the measured area, turning onto sides streets. This is also mimicked by the West Bound numbers, though the drop rather dramatically between the 1st and 2nd measured points. Yet the East Bound numbers are contrary, with volume at the second point (Via Crystal) higher than the other two points.
- If my analysis is correct, 218 vehicles per peak rush hour are trying to turn onto Ortega from side streets within the measured area ~ roughly 10% of the traffic flow at that time.
- Equally interesting, in the boxed area I believe I've documented that 310 vehicles per hour are turning from Ortega onto some side streets within the measured area, roughly 14%
- Assuming my analysis is correct, this would seem to point out a fatal flaw in the current proposed widening of Ortega. With roughly 24% of the current vehicle volume starting or ending their trip within the city (again, solely within that measured area), the combination of increased speeds, additional lanes, lack of any additional signals, and far higher traffic volume literally guarantees heavy vehicle congestion and much higher incidence of accidents (and the severity of accidents). As time (and traffic volume) goes on, this problem will only become more hazardous.

There may be some errors on my interpretation in the numbers, but taken at an objective level, the reasoning seems sound. Additionally, the scope of the measured area has additional shortcomings that need to be examined, specifically:

 The impact of round-trip traffic from St. Margaret's at both La Novia and Rancho Viejo Road from Ortega.







- Cross town traffic on La Novia (especially with the completion of San Juan H.S. off La Plata @ Ortega)
- I am still very suspicious of the Via Crystal numbers provided as they don't follow the model, nor
 do the number of side streets between that count point and the other two measured points lead to
 any logical explanation of where those vehicles really came from or went to. This is echoed in the
 dramatic drop in even the west bound traffic volume.

The goals of The City vs. those of OCTA seem to be completely opposite. The City would like to do nothing better than completely isolate Ortega Hwy from any "flow through" traffic, maintaining historic trees, eliminating noise and truck traffic. OCTA would rather have a freeway-like conduit, devoid of any lights, cross traffic, or less than maximum speed, to move as many vehicles as quickly as possible through the city to and from the freeway.

My counter proposal, as attached, suggests that <u>both</u> can be accomplished by building a four lane high-speed corridor *directly underneath the existing Ortega Hwy*. The "New Ortega Corridor" not only meet OCTA's needs, but eliminate all of The City's complaints over noise, tree elimination, as well as separate bike and pedestrian traffic (which would be place "above" on what would become "Old Ortega Hwy") from high speed vehicular traffic. Equally enticing would be the fact that *vehicle traffic on "Old Ortega Hwy" would probably be* 75% less (turning back the historical traffic load to <u>decades earlier!</u>), while also eliminating tractor trailer and trash truck traffic! I envision the construction to be simple and similar to excavating a basement for a home — no tunneling, just simple excavation and then reinforced poured walls and roadbed — the walls then backfilled with the "Old Ortega Hwy" roadbed added similar to a "first floor."

Again, I'm certain there are numerous error and additional issues beyond my layman's knowledge of the situation. I'm also sure that the cost of my proposed solution is greater than what's currently being proposed (but far less than the 8 mile tunnel at \$3.2 billion proposed a few years ago for the Riverside side of Ortega!). Yet my solution seems to offer a complete and total solution meeting the needs and requirements of both sides that will serve its intended use for decades. But if we're really planning for the long term future while preserving a rural lifestyle and century old trees, it seems the idea should at least be given some additional consideration.

Any assistance you could provide in directing this to the most appropriate people would be greatly appreciated. If there's any way I can help or assist, please feel free to contact me at your earliest convenience.

Your partner in success,

Mark Speros

KERR ENGINEERING & SALES, INC.

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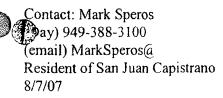
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Ortega Widening Alternate Proposal 8-7-07.doc Austin Foust Traffic Analysis 6-27-07.xls







Additional Proposal for Handling Additional Traffic on Ortega (SR-74)

Given the following conditions at present for Ortega Highway as it runs through San Juan Capistrano:

- Current traffic is heavy in both directions on Ortega and moves slowly at times through the city
- Merging from sides streets onto either direction of Ortega is hazardous if not impossible much of the day
- Turning from Ortega onto a side street is equally difficult
- Removal of the 110 mature trees canopying the current street is not within the SJC General Plan Land Use Element
- Nor would the erection of several 14 foot sound walls and the loss of sidewalks on the north side
- Eliminating the ability to safely cross Ortega on foot or bike will effectively bisect the entire city
- While San Juan Capistrano is effectively built out, future development of Rancho Viejo, along with continued vigorous growth in Riverside County and the heavy traffic on the 91 freeway guarantee that traffic volume on Ortega Highway will multiply many times over it's current volume.
- Unlike other cities that want outside traffic and visitors to support commercial businesses along their major streets and highways, Ortega Highway bisects a heavily residential area with few business that are located on it counting on "out of town" shoppers. Essentially, if Ortega Highway were to be closed to through traffic from outside city boarders, the City of San Juan Capistrano would be quite happy.
- From a OCTA point of view, if Ortega could be converted to a four lane high speed conduit with no signals, no side streets and direct access to north and southbound I-5 freeway, they would be very happy as well
- What if both dreams could be realized???

I would like to ask for an exploration of a potential "Win/Win" solution that's a bit radical.

- Somewhere near the intersection of Antonio @ Ortega, there would be six lanes of traffic (three in each direction). As your eye moves west the four middle lanes would quickly drop downward to run underneath the current Ortega Highway, so that two west bound lanes would "submerge" while the two eastbound lanes would "surface. " The two outer lanes (one each direction) would then ascend upward and over to run on the "current" or "existing" Ortega Highway, which would become "Old Ortega Hwy." For the vast majority of its run through San Juan Capistrano, Ortega Highway would be no wider than it currently is.
- The "New Ortega Underground Corridor" would only be deep enough to accommodate tractor-trailers and similar vehicles. The "Old Ortega Hwy" would remain pretty much as is, but now with greatly reduced traffic, congestion & noise.
- The "New Corridor" would have <u>no traffic lights</u>, or <u>cross traffic</u>, and be able to <u>run a maxim legal</u> <u>speeds</u> to accomplish fast and efficient access to the freeway. There are several options for the extreme western end, including:



6





- O A direct on-ramp to the NB 5 Freeway, as well as a direct off-ramp from the NB 5 Freeway to the EB Ortega (going straight into the underground corridor, eliminating a good portion of the current incline that big trucks find challenging to creep up, plus no need to stop!).
- O Southbound Freeway on & off ramps may be undertaken the same way the far east bound section is handled...with one East Bound lane and one West Bound lane emerging and dropping into the "Ortega Underground Corridor" while an existing lane each direction continues to be "Old Ortega Hwy" I believe this can be done within the existing road widths.
- This idea is backed by the recent supplemental traffic study that Caltrans commissioned through Austin-Foust (6/27/07). Though I'm not a traffic engineer, from the data presented during peak AM rush hour there are estimated to be 218 vehicles per hour trying to merge onto Ortega from side streets between Via Cordova & Ave. Siega, which is approximately 10% of the total current volume. Additionally, there were 310 vehicles per hour turning from Ortega into a side street in that monitored area. The current proposed Ortega widening will only exacerbate that conflict with more traffic at higher speeds. (see attached)

This proposal has the following benefits

- The integrity of San Juan Capistrano is left completely intact and beautify effectively "rolling back the clock" to a time decades before when traffic volume was much less
- Neighborhoods along either side of Ortega are returned to a rural exposure with more than 70% reduction in through traffic, elimination of trash trucks and 18 wheel heavy trucks.
- All sound and disturbances are effectively mitigated by running them underground
- Sound and disturbances are effectively mitigated by running them underground
- Commuters will have a fast, safe and effective way to get through the city.
- The underground corridor widths can be minimized, since bike trails would be left on "Old Ortega Hwy" above
- Police and Fire will have a more direct and faster route to respond to emergencies.
- Unlike the earlier proposed 8 mile tunnel project on the Riverside end of SR-74, which requires boring through a mountain, the construction of this Underground Corridor could be simple and efficient.
 - o Ideally earthmoving equipment and trucks would simply excavate one side of the current Ortega to the proper depth (similar to creating a basement with similar wall formation and laying the road bed for the corridor), and then place a "lid" on it, which becomes the "Old Ortega Hwy." Once one side is completed, the work on the other side would commence.
 - O Since there is no "tunneling" involved, costs shouldn't be very high, and there wouldn't be concerns about cave-ins, foundation movement or ground settling.

There are a few challenges, but none of them seem insurmountable. They include:

- Design of integration of freeway access capable of tractor trailer wide radius turns.
- Storm Water plans to maintain water evacuation during heavy winter rains
- Overcoming a "Pinch Point" just east of Avenue Siega where current road width is tight along rock outcropping.
- Proper lighting and related maintenance and expense to illuminate the corridor
- Seismic requirements to maintain corridor integrity through any expected events
- Safety plan for dealing with accidents or other issues within corridor. (To combat concerns about vehicle fires, perhaps a fire irrigation system could be installed in the tunnel ceiling?)

Please feel free to call me with any questions or concerns. I'm just trying to come up with a better solution!





Contact: Mark Speros (Day) 949-388-3100

The following analysis is based on the Draft of the Austin-Foust "SR-74 Widening Project, Supplemental Traffic Study" dated 6/27/07 Pages 12 ~ 17 of the 77 page report

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FROM Ortega TO Side Streets				,
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(<u>}</u>







"June Loper" <jloper@ 08/08/2007 05:28 PM To <Lower74_D12@Dot.CA.Gov>
cc <CityClerk@SanJuancapistrano.org>

bcc

Subject

To Whom It May Concern;

I am a 23 year resident of San Juan Capistrano and live approximately 1 ½ miles from Ortega Highway.

Your refusal to complete a **full Environmental Impact Report** is criminal! Not only will widening Ortega Highway and changing the offlon ramps at Ortega Highway negatively impact the residents along Ortega Highway, it will also negatively impact the traffic flow and patterns throughout the city of San Juan Capistrano.

Additionally, our City should not have to hire an attorney to force Cal Trans to act `responsibly.

Thank you.



June M. Loper 28166 Calle San Remo San Juan Capistrano, CA 92675

6-70





"Zach Wordes" <zach@

08/08/2007 07:20 PM

To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject San Juan Capistrano, Ortega and Corporate Responsibility

To Whom It May Concern,

Having lived in San Juan Capistrano my entire life, all 26 years(except for college), I have seen first hand the impact urbanization has on the environment. It is my opinion that a state-funded business should be a leader in minimizing our impact on the earth. In fact, one of Caltrans goals is "STEWARDSHIP-

Preserve and enhance California's resources and assets." One San Juan's biggest resources and assets is the enormous amount of open space that are home to hundreds of species of animal.

Let me state that I am not against revamping Ortega and building sound walls. I realize there is a huge and growing traffic problem in San Juan and that it must be fixed. I also realize that it is impossible to know the full environmental impact of any construction project until that project is complete. However, it is possible to fully examine all angles and possible outcomes. How can you truly say that you have examined all possible outcomes without a FULL environmental impact report? In a time when we need to be increasingly sensitive about our effects on our surroundings I urge Caltrans to be, as your goal states, a "STEWARD" in ushering in a new age of corporate responsibility and environmental awareness. Please complete a full environmental impact report and put my mind at rest knowing that Caltrans has helped lead the way to a better San Juan Capistrano.



Thank You, Zach Wordes

My Mom's Address: 31812 Paseo La Branza San Juan Capistrano

My Dad's Address: 30991 Paseo Boscana San Juan Capistrano





"Sonia Benson" <sgbenson46@ 08/08/2007 08:35 PM

To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject Environmental Impact Report

Dear Cal Trans:

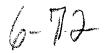
I am a resident of San Juan Capistrano and I live within a mile of the Ortega Highway. I am really concerned about the widening of the highway without an environmental impact report, and I truly hope that you will reconsider. This seems like a "solution" that will only make things worse in the long run. We have seen enough of that here already. For the community, please give this drastic measure the examination and consideration that it deserves before doing irreversible damage.

Sonia Benson

28181 Calle San Remo
San Juan Capistrano, CA 92675



71



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"Suzi Mikos" <suzimikos@: 08/08/2007 08:50 PM To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject Ortega Widening

To whom it may concern:

Your decision to not poll San Juan Capistrano residents or conduct an impact study before making your decision to widen Ortega Hwy shows total disregard to the community of San Juan Capistrano. As a resident of San Juan Capistrano for over 12 years I understand the need to examine our traffic congestion. However, widening Ortega Hwy is not the solution. Instead, Cal Trans should be examining ways of deterring traffic off Ortega Hwy. You should be looking at extending dead end roads (such as Avery to Antonio and San Juan Creek Road to La Plata) and toll-roads (such as the 241 into San Clemente) should be pushed through. These are simple changes that would have a great impact on our city and our roads.

We do hope that you are listening to all the alternative traffic diversion strategies that have been proposed. Widening the historic Ortega Hwy is not the solution for our community. Instead it is an unjustified short cut for trying to solve the traffic problem.



Sincerely,

Paul and Susan Mikos 27551 Rolling Wood Lane San Juan Capistrano, CA 92675





"Lowell Way" <lowellway@ 08/08/2007 10:04 PM To <LOWER74_D12@DOT.CA.GOV>, <CityClerk@SanJuanCapistrano.org>

CC

bcc

Subject ORTEGA HIGHWAY WIDENING PROJECT

TO THE IDIOTS IT MAY CONCERN:











"Mary Walker" <mjwalker@ 08/09/2007 07:17 AM To <Lower74_D12@Dot.CA.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject Hwy 74/Ortega - Environmental Impact

As a long-time resident of SJC, property owner, and someone who lives about 500ft. from Ortega on Via Ordaz I am shocked that you would proceed without a FULL ENVIRONMENTAL IMPACT STUDY......

The governing bodies have waited far too long to deal with the traffic issue out here and now seem to be bent on railroading changes that will have a permanent effect on our neighborhoods and indeed the entire City of SJC itself.

We want change, believe me, but responsible change please.

I urge you to reconsider.

Thank you, Mary J. Walker 28372 Via Ordaz SJC

Mary J. Walker 27971 Via Del Cerro SJC







Dawn Cole cdawnairmark@

To Lower74_D12@dot.ca.gov

cc bcc

08/09/2007 09:26 AM

Л_______

Please respond to Dawn Cole <dawnairmark@ Subject Widening of Ortega to 4 lanes - No!!!!

To Whom It May Concern:

I am against the widening of Ortega Hwy between Calle Entradero and Antonio. San Juan Capistrano used to be a horse friendly town and I am hoping it will continue to be in the future. It is extremely hard to cross the Ortega Hwy to get over to the beautiful horse trails in the Hunt Club. I can only imagine how hard it will be if they decide to widen it to four lanes. There are three equestrian stables south of Ortega right now and it is extremely difficult to cross Ortega Hwy on horseback in order to enjoy the trails north of the Ortega around the Hunt Club and Marbella. There are no horse crossings that I am aware of nor are there any signs that alert traffic traveling on the 74 that horses might cross the highway? If Ortega is made into a four lane highway I can only imagine how dangerous that will be. It is only a matter of time before a horse or a rider is seriously injured crossing the Ortega. The cars already travel at excessive speeds and do not yield to riders on the two lane highway. Can you imagine what a four lane highway would be like? The excessive speeds and amount of traffic would not be indicative of a town that was built around families and horseback. With stables in Orange County dwindling where are horseback riders to go. There are numerous trails all over San Juan but equestrian riders need to be able to get to them. If we open San Juan Capistrano up to more and more traffic how are the horseback riders to get around. We cannot battle and continue to compete with any more rude and unyielding drivers who have no regard or concern for people on horseback. It will be a decision that is going to affect the residents or boarders of San Juan for many generations to come so I am hoping final outcome regarding the widening of Ortega Hwy will be the right one. I ask you to leave the Ortega Hwy from Calle Entradero to Antonio Parkway a two lane road in order to preserve the scenic beauty and rural feel of San Juan Capistrano.



Sincerely, Dawn Cole

6-76





"Kim Loftus" <kbloftus@0 08/09/2007 09:40 AM To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject Environmental Impact Report

Please reconsider and do an Environmental Impact Report along the Ortega Hwy before you start any projected work.

Thanks, Kim Loftus









ESSGossard@ 08/09/2007 12:53 PM

To Lower74_D12@Dot.Ca.Gov

cc CityClerk@SanJuanCapistrano.org

bcc

Subject Widening of Ortega Highway

Ladies and Gentlemen of Caltrans: PLEASE do a FULL Environmental Impact Report on your plans to widen Ortega Highway in San Juan Capistrano. Be thorough in your Socioeconomic evaluation. A Mitigated Negative Declaration is NOT sufficient to examine the impacts of your plans on our unique community. Thank you!!

Linda Gossard 28921 Via Hacienda San Juan Capistrano, CA 92675

Get a sneak peek of the all-new AOL.com.









"Larry Parker" <lardgwo@ 08/09/2007 02:20 PM

To <Lower74_D12@Dot.CA.Gov>

CC

bcc

Subject Full Environmental Impact Report-Ortega Hwy., San Juan Capistrano

Gentlepersons,

We demand that you perform a full environmental impact report re: the proposed widening of Ortega Hwy., San Juan Capistrano.

My wife and I have lived (and still do) at 5 Strawberry Lane, SJC 92675 for the past 15 years. Your proposed widening of Ortega WOULD have a HUGE impact in that the whole historical ambience and functionality of the area would be affected, i.e., sound and retaining walls, sidewalks removed, wholesale removal of numerous mature and beautiful trees, views blocked, 14 15

Attorney Larry H. Parker

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Changing our environment for traffice from the enland in not has our interest I wonder how many accidents will occur with people from the west of the Ortego trying to turn feft onto Oktega Itces avident That particular crasiolents and Board menters with political pull and development interest and driving this decidion Eleane understand the majorit of us know we are not part Meny ien my xighborhood simply to support the quality of one af our neighbors homes but use do not support the expansion at all you must all be award that this is not any real solution. We will not gue up any quality which we work hard you and nather corell rugiero at 2853/ PASODIANO Jan Juan Capo Received: 48



Mr. Eric Altman 29222 Rancho Viejo Road, Suite 111 San Juan Capistrano, CA 92675

August 7, 2007

Department of Transportation Environmental Planning Smita Deshpande, Environmental Branch Chief Attention: Iffat Qamar 3337 Michelson Drive, #380 Irvine, California 92612

RE: State Route 74 Lower Ortega Highway Widening

Dear Mr. Qamar:

As a local business and commercial property owner, I urge Caltrans to continue with its plan to widen Ortega Highway. The reasons for my support of the widening to four lanes are as follows:

- 1) To relieve existing traffic congestion and improve the flow of traffic on SR-74.
- 2) To accommodate planned growth, <u>currently under construction</u> and future long-term development in the surrounding areas.
- 3) To provide improvements which are consistent with local planning documents, and provide for safe travel for the current and future travelers along this stretch of the State Highway.
- 4) It is just common sense! The City already has four (4) lanes through the I-5 to approximately 330 feet east of Calle Entradero where it transitions to two through lanes. In addition, the Ranch has already begun construction on the intersection of Antonio, SR-74 and the related Four (4) lane work to the county line on SR-74.

It is understandable that the residents and their community leaders are attempting to preserve a small town feel in their City. As an owner of a property (26755 Verdugo Street) located in the historic district of the downtown, I support that cause, however this planned widening is not an option it is a necessity.

Sincerely

Eric Altman





Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Antial Study with Froposed Mitigated Negative Declaration
Please print: Name: Ray + Amy Woods Comment:
The entrance onto ortega Highway should not be right turn only. If there is a painted median at that point, there should be double broken lines, making it possible to turn left into the median, before proceeding west on ortega.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



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Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

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WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

El Camino Real. The document can be viewed on line at:

http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495



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ALWAYS AN ANSWER the community **Public Comment Card** State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration DEBERA FAIRCHILD PUGNATE Please print: MARK L. Pugnake Name: HEATHER RICHARDSON Richardson ODY RICHARD SON Comment: WILLIS AND JUNE SCHMICH CROSS STREET TO ACCESS PARK OF TRAILS WE HAVE TO AND STOP + RAFFIC PEOPLE GRINH 5 to 50 Atour STREET with 40 posted speed AT 55 post speed they will drive 60+065 That IS FREE WAY Speed with ON RAMPS. HOW ARE CARS to turn SAY LEST TO ANTONIO? CALTERN SANSWER OF RIGHT AND MAKE TO 4 TURN AT LA NOVIA. NOW HOW our children, tookses, Elderly You CANT cross OR BICYCLES Should WALLS AMILE DIRECTIONS with the horses and CARS

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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

cross street AND then go BACK to our PARK

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WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

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MY S AT The FASTEST RATE POSSI 6/2 [LET The PUBLIC SUFFE GENET2A 5 CINET WILLIS SCHMIOH QUINTON NOBLLET JACK Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration Please print: JODY AND HEATHER RICHARDSON MARRICHDEBERA FAIR Child Fuguale Comment: 3070 2 S HADE TREE LIV. WE CAN'T CROSS STREET to AGRESS PARK or borse 55 DOSTEL hat Speed, will you our STUIOR RIGHT AND Drive to LANDVIA AND MAKEH U
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Please print: Name: E. Paul Johnson + Carol L. Johnson
Comment:
We are adamantly opposed to any widering of the Ortege Hory within the City limits off
All other arteries of transportation - 241 Toll Rd
extended. This will relieve trothic consestion of Ortego.
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12,
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El Camino Real. The document can be viewed on line at:

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Please print: Name: WILLIAM FESSENDEN
Comment:) FAR SIRS
I AM REQUESTING THAT 14FT SoundWALLS (PRIFERABLY WITH GLASS PANELS)
BE INSTALLED ASAP TO MITAGATE THE TRAFFIC NOISE Which is only Going To
IT 17 ALSO MY O PLANER THAT THE I-5 INTERCHANCE AND THE
BEGINS SO THAT THERE IS ON ALTERNATE ROUTE FOR ITS SOUTH DING TRAFFE
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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Name: Bruce TREYHAFT
Comment:
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INCREASE OF TRAFFIC FLOW AND THE INCREASE IN THE SPEED LIMIT WILLOWE THE INCREASE OF ACCIDENTS AND AIR POLLUTION.
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THE BACK STREETS, THE WIDENING WILL CAUSE US TO TAKE
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lower recommendations: ect La Pata Avenue the Prime Deshecha land to connect Avenida Piro and Ortega Fliphway.

Espend the Football (241) Toll Rose from its current end in Review Santa Margarita to the San Diego (1-5) Freeway.

The decrease Crown Valley Parkway to Coto de Caza. Avery Parkway to

Origina Highway.

Support a new trans-mountain corridor between Orange and Riverside counties, north of the ga Highway.

Circulate local

ial Study and Itrans District 12. trano, Planning egional Library, 31495

eting or mail to ess on the reverse.







Please print: WILLIAM T KOOT; VIA Orday, SJC
Comment:
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Because new avenues of access to I-5 were est required prior to development, the webicular impact on the only existing certian, and thur SJC, is obvious.
If Celtrans plans are implemented and a new Corridor to I.5
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astrong carried will be deried safe ingress / egress to their honder, and their slice of the 5.TC community.
- Committee -

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



Please print: Lynn & Brian Chichi
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.







"Tressa Strom" <tressas@

To <Lower74_D12@dot.ca.gov.>

CC

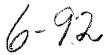
U8/TU/2007 09:05 AM

bcc

Subject Ortega widening

I travel Ortega once a week. The devastation the heavy equipment has created so far on the landscape is incredible....downed oak trees...native bushes and sycamores (some I which are on the endangered list) have you taken a good look??? Now you want to widen the highway from two to four lanes from Calle Entradero to Antonio Parkway!!!! What good is it to create a bottleneck??? Your plan, I am sure, is to eventually widen the entire road so that it is no longer a canyon of beauty. What is left of Orange County's once beautiful hills and open space? — not much. Our environment is just a huge block of cement and massive housing. I guess it's all about money.....it certainly isn't going to help our traffic situation. Build it goodbye"......

Tressa Coco







"Dave Solt" <dgsolt@i 08/10/2007 12:21 PM

To <Lower74_D12@dot.ca.gov>

СС

bcc

Subject SR 74 Widening

Ortega Highway will be over-burdened with the traffic from the Rancho Mission Viejo (The Ranch) development of 14,000 homes. CalTrans would benefit by pressing the OCTA to develop the county arteries that are able to take some of the burden off of SR 74.

Avery Parkway and La Pata Street are alternatives that the county can use to relieve the burden of SR 74.

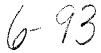
Please put CalTran's muscle behind developing these ancillary arteries.

Sincerely,
Dave Solt
27862 Via Estancia
San Juan Capistrano, CA 92675
Phone= Mobile=

Imail= dgsolt@











"Dale Rosenfold" <rosesfe@ 08/11/2007 10:33 AM To <Lower74_D12@dot.ca.gov>

cc bcc

Subject Ortega Widening

Smita and Iffat,

We live in Mission Springs on Via Ordaz in San Juan Capistrano. We hope the widening of the Ortega will not proceed as it will change the bucolic feel and landscape heading East. San Juan Capistrano and the Ortega have always represented country and rural living. The planned widening will irrevocably change the look and feel of this rural road.

Dale Rosenfeldt

GM SFE

E-mail: roseSFF@cox net

FAX: Cell:









Steve and Linda Mandala <mandala06@ 08/12/2007 09:34 PM

To Lower74_D12@dot.ca.gov, Steve Mandala <stevem@g > cc

bcc

Subject Widening of Highway 74

To whom it may concern,

As a longtime resident of the beautiful county of San Juan Capistrano, CA, and a lifelong resident of California, I am deeply concerned about the widening of Highway 74 through San Juan Capistrano, CA.

The reason for my concerns are many. However, the first and main reason is that this roadway is currently a scenic route, bordered by stately trees, which serves the city well. Yet, to derive benefits from future proposed development (increased tax revenue) and favoring special interests, the roadway widening id being pushed through against the wishes of the resident is a San Juan Capistrano. The roadway is blatantly wrong. The widening will serve one primary beneficiary; the Rancho Mission Viejo Company. This roadway is being touted as "necessary" to handle the traffic requirements of the city. However, the existing roadway works fine, handling today's traffic needs.

To find that the county of Orange and the State of California are favoring their financial gain, and the financial gain of a company seeking to expand their fortunes through re-zoning and ancillary development of almost 15,000 homes and considerable commercial development to be travesty, and self serving.

This is an area of meandering sidewalks, stately trees, and a quietness that will forever be eliminated if this roadway "improvement" project are completed.

We urge you to listen to the voters, and not to the pocketbooks of the State Coffers, the County of Orange, and the Rancho Mission Viejo Company, and not widen the 74.

Steve Mandala 27512 Vantage Circle San Juan Capistrano, CA 92675

Be a better Globetrotter. <u>Get better travel answers</u> from someone who knows. Yahoo! Answers - Check it out.



Brad Gates

Orange County Sheriff - Retired

6-95

July 25, 2007

Caltrans District 12 Attn: Smita Deshpande, Environmental Branch Chief 3337 Michelson Drive, Suite 380 Irvine, CA 92612-0661

Subject:

Initial Study/Proposed Mitigated Negative Declaration, State Route 74 (Ortega

Highway) Widening Project

Dear Ms. Deshpande:

Phone:

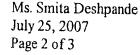
The purpose of this letter is to express my extreme concern over the Ortega Highway Widening project and the failure of Caltrans to mitigate significant noise impacts at my property, located at 28546 Paseo Diana. The proposed Mitigated Negative Declaration (MND) indicates that the south section of Ortega Highway east of Via Errecarte will not contain a sound wall. Lack of a sound wall at this segment of the road will result in a significant impact to the adjacent homeowners. The long-term noise from traffic can only be mitigated with the construction of a sound wall of adequate height to minimize the impacts.

Under the California Environmental Quality Act (CEQA), if a proposed project is determined to have a significant impact, mitigation measures must be incorporated into the project unless such measures are not feasible. If an impact cannot be mitigated, or if there is substantial evidence that a project may have a significant effect on the environment then an Environmental Impact Report must be prepared. The MND fails to accurately identify impacts and to provide mitigation must be prepared. The IVIND lans to accurately laterally included the impacts. An Environmental Impact Report should be prepared, or 3 mitigation measures should be added to the project to reduce significant impacts.

Caltrans' Traffic Noise Analysis Protocol (Protocol) identifies a noise impact when future noise levels with project result in a substantial increase in noise levels (defined as 12 dB or more). The Protocol sets out criteria for determining when a noise abatement measure is reasonable and feasible. A Noise Abatement Criteria of 67 dBA has also been used as the threshold for determining future noise levels. I do not agree that a 12 dB increase is a reasonable threshold for traffic noise impacts in a residential area. Increases in ambient noise levels are perceptible with a 3 dB increase. According to the California Department of Transportation, Technical Noise Supplement, October 1998, a 10 dB increase in noise is generally perceived as twice as loud. At Avenida Siega, Ortega Highway is a rural, two-lane highway. Traffic noise that is twice as loud as currently exists should be considered a significant impact. A more appropriate threshold should be utilized to assess impacts to sensitive receptors along the rural highway.

As shown in the MND, sound walls were proposed in several locations along Ortega Highway. However, based on the final analysis, it appears that only 2 of the 11 potential locations will

1





contain sound walls. Based on the graphics provided in the Noise Study, our property is adjacent to the proposed sound wall SW-5. The existing noise level at that location ranges from 55.3 to 64.1 dBA. A noise wall is proposed west of Via Errecarte to reduce noise levels. It is unclear in the MND and Noise Study how it was determined that future noise warranted mitigation west of Via Errecarte, and not east of Via Errecarte. Traffic volumes will be essentially the same within that short distance, and there is no explanation of why noise levels will be lessened east of Via Errecarte. Additionally, there is no supporting data indicating that the reflected noise effect was taken into consideration when determining future noise levels. The proposed project will result in a substantial permanent increase in ambient noise levels above existing noise levels and the noise impact should be considered a significant impact.

The MND, on page 2-103, notes that a minimum of 5 dBA reduction in future noise level must be achieved for an abatement measure to be considered feasible. Based on this minimum, the MND determined that the proposed sound walls that would achieve this 5 dBA reduction did not include the potential sound wall adjacent to my property. It is not clear from the MND how this conclusion was reached. Furthermore, there is no information in the MND providing support that a noise wall would not provide a 5 dBA reduction at this location when a similar attenuation would be reached just west of Via Errecarte. CalTrans must provide additional noise data and analysis to support the conclusions in the MND.



A retaining wall is proposed for the north side of Ortega Highway directly across from my property. The MND identifies that there is a concern related to impacts from reflected sound where walls will be constructed. With no sound wall on the south side of Ortega, the reflected noise from the retaining wall will magnify the future noise, creating an even greater impact. The potential for future noise intrusion is a significant impact for which no mitigation has been proposed in the MND. In addition, we find no analysis in the MND related to the reflective noise impact at the specific location where sound wall SW-5 is proposed. The noise study does not adequately assess the reflected noise impact, and incorrectly concludes that mitigation is not warranted at this location. Based on that, we are requesting that the sound wall on the south side of Ortega extend from Via Errecarte to 300 feet east of my property line at 28546 Paseo Diana.

It was difficult to assess aesthetic impacts related to the proposed retaining wall opposite our house. Page 2-61 of the MND, which shows the Visual Assessment nearest our residence, omitted the view simulation of the rock retaining wall (Figure 33). The entire Visual Assessment should be provided in the Response to Comments document. After attending the information meeting on July 24, 2007, my preference for the retaining wall treatment is the Rock Wall design. The Rock Wall design will be the most compatible design treatment at this segment of Ortega Highway.

In July 2006, I sent a letter to the City of San Juan Capistrano related to the above-noted project. Although my home is adjacent to Ortega Highway I did not receive notice of the May 30, 2006 public workshop held at the City nor did I receive a copy of the sound wall survey sent to potentially affected property owners along Ortega Highway. My July 2006 letter expressed







Ms. Smita Deshpande July 25, 2007 Page 3 of 3

significant concern that the proposed sound wall did not extend east of Via Errecarte on the south side of Ortega Highway. A copy of that letter is included herein for your reference.

I received no response to my initial July 2006 letter of concern. I would now appreciate assurance from CalTrans that this potentially significant impact will be mitigated prior to approval of the Ortega Highway Widening Project. A sound wall should be added east of Via Errecarte continuing east of Avenida Siega and approximately 300 feet past my residence at 28546 Paseo Diana in order to protect all homeowners located to the east of Via Errecarte south of Ortega Highway. If the noise impact cannot be mitigated then an Environmental Impact Report should be prepared. I look forward to receiving your response to my comments and I would appreciate receiving notification of future meetings or hearings on the project.

Sincerely,

Brad Gates

cc:

Dave Adams, City of San Juan Capistrano Steve Apple, City of San Juan Capistrano 10

6-95





BRAD GATES

28546 PASEO DIANA SAN JUAN CAPISTRANO, CA 92675

September 6, 2006

Mr. Dave Adams, City Manager Ms. Molly Bogh, Planning Director City of San Juan Capistrano 32400 Paseo Adelanto San Juan Capistrano, CA 92675

RE: Conceptual Design Alternatives with respect to sound walls, retaining walls and landscaping for Caltrans proposed widening of Ortega Highway from Calle Entradero to the easterly City limit.

Dear Dave and Molly:

We own residences at 28545 and 28546 Paseo Diana, San Juan Capistrano, which abut the Ortega Highway on the south side.

We are glad to see that Caltrans and the City are engaged in serious discussions concerning the widening and improvement of Ortega Highway. We understand that a public workshop was conducted on May 30, 2006, but for some reason we were not provided a notice of the meeting. We are requesting to be noticed on any meetings, design documents and mitigation measures concerning noise and the design of sound and retaining walls, as well as landscaping design.

This project must provide appropriate mitigation measures concerning traffic noise. We do not understand why the discussion concerning noise and wall design excluded Silver Leaf Drive and Paseo Diana, which will obviously be impacted severely by the widening and the increase traffic noise.

We also understand that Caltrans mailed a sound wall survey to property owners along the Ortega Highway Corridor to determine preferences with respect to sound wall heights and design treatment. We did not receive this survey. We request a survey so we can respond with our comments.

We request that you update your records to insure that we receive future notices, communication instruments so we can provide input on this EIR and issues related to the EIR process.

Sincerely

Brad Gates





Study With Proposed Miligated Negative Declaration
Please print: BRAD GATES
Comment:
She ATTACHED CURRESPONDENCE dated 9-6-06, 9-22-06, 2-15-07
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



32400 Padeo adelanto San Juan Capistrano, ca 92675

(949) 495-1171 (949) 495-1053 FAX WWW sanj...mcapistrano.org



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO
DIANE BATHGATE
WYATT HART
JOE SOTO
DAVID M. SWERDLIN

September 22, 2006

Brad Gates 28546 Paseo Diana San Juan Capistrano, CA 92675

Subject:

Consideration of Conceptual Design Alternatives with Respect to Sound Walls, Retaining Walls, and Landscaping for the California Department of Transportation Proposed Widening of Ortega Highway (SR-74) from Calle Entradero to the Easterly City Limits (820 20)

Mr Gates:

This letter is in response to your correspondence to the City dated September 6 (received September 13) regarding the proposed project. More specifically, you've expressed concern over the fact that Caltran's proposed conceptual plans do not include any provision for constructing sound walls along the south side of Ortega Highway in the vicinity of Avenida on noise surveys that Caltrans conducted along Ortega Highway using the State's noise survey guidelines.

The potential noise impacts and the mitigation of those impacts will need to be thoroughly evaluated in the draft Environmental Impact Report being prepared by Caltrans for this project. The City is also concerned about the environmental impacts of widening Ortega Highway and will evaluate both the preliminary design plans and the draft EIR for this project.

We've assured that your mailing address information is included on the City's mailing list so that you receive all public notices provided by the City regarding this project. Please feel free to call me at (949) 443-6323, or Bill Ramsey, AICP, Principal Planner at (949) 443-6334 with any questions about this letter or the City's review of the proposed project.

Sincerely,

William Cunningham, AICP Interim Planning Director

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Cc Dave Adams, City Manager
William Huber, Assistant City Manager
Nasser Abbaszadeh, Engineering & Building Director
William Ramsey, AICP, Principal Planner

)

San Juan Capistrano: Preserving the Past to Enhance the Future





Tailear Study With I Toposed Minigated Megative Deciar actor	
Please print: AURIE MEINKE	
Comment:	
I have spent my times locking at the separt online as usell as attending the cultures information meeting at Marco Forston. As a viry can certain the cultural resident of this city (for 20 years) I am opplished to the cultural plan for widering the Orlean as it will completely after the years of the cultural tendency of the tree runal entropie to but the parties of the parties of the parties of the antificial cultures as wells, as well as walking a what and the formal the parties of a movem straight should be the run when the run when the culture the straight walking the run would like to bare the food transportation of Arrange for a the clients of San Turn would like to bare the food transportation of Arrange for make and the comp of Storehill + the extension of La Pate. We do not wont the Chy cut in 2 with a thoroughtour for cultide traffic and the way to make left true onto the Greek or cross it. The fourn relies on the Grege for trips into fourn (as well as to the freeway). PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf previews/74_widening_project.pdf WRITTEN COMMENTS: Provide written comments during the public meeting or mail to	12 13 14 E 17 18
Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.	



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Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

and the section of th
Please print: Name: Tommie Pearson
Comment:
_ as a resident on Via angar I would
like to let you know that I am totally against
anything to bedone on Ontaga Hylivay that
swould increase traffic as your present plans
Callfor
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. n addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



August 9, 2007

Smita Deshpande Environmental Branch Chief Attn.: Iffat Qamar Caltrans District 12 3347 Michelson Drive, Suite 100 Irvine, CA 92612-1692

Re.: Public Comment - State Route 74 Lower Ortega Highway Widening

To Whom It May Concern:

Please reconsider the widening of State Route 74 Lower Ortega Highway for the following reasons:

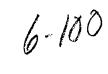
- 1. Per a study already completed, the widening of Ortega will not be beneficial until
 - a. The 5/Ortega freeway exchange is dealt with.
 - b. La Pata is extended to San Clemente.
- 2. Having no stop lights or stop signs between La Novia and Antonio Parkway will encourage speeding.
- 3. It will be impossible and dangerous for any residents to exit their housing track and turn across Ortega Highway due heavy traffic and speeding.
- 4. What is the benefit of widening Ortega which will increase traffic flow only for it to be backed up further at the 5 north/south freeway onramps?

I would suggest that someone from your department sit at the freeway interchange and see what the traffic is like right now.

In conclusion, I would be open to the widening process once the action points in I (conclusion) tem 1 above are taken care of.

Thank you in advance for your consideration.

Patrick Pearson San Juan Capistrano





Initial Study with Proposed Mitigated Negative Declaration
Please print: Thruk Yeavson
Comment: Reuse see attached.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, supporting technical studies are available for review and comment at Caltrans District 12, supporting technical studies are available for review and comment at Caltrans, Planning 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.





	2 Santa Declaration
	Please print: DAVID G. SOLT
	Comment:
i	ORTEGA HNY, WILL BE OVER - FILLES
	WITH TRAFIC AS RANCHO MISSION VIETO
	DEVELOPS 14,000 NEW HOMES. PLEASE
	PATYOUR WEIGHT BEHIND THE
	NON-STATE - OWNER ROUTES THAT CA
	BE DEVELOPED INTO ALTERNATIVE ROLLTES
	FOR ORTEGATRAFFIC: AVERY FRMY
	Regerde June Soll LA PATA
	9/8
	PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
	WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to Lower74 D12@dot.ca.gov
 1	Copy to City Clork @ San Juan Capistrano. org
	P







"Lombardo, Marni" <Mlombardo@c

08/14/2007 09:33 AM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Ortega Hwy. Road Widening

The rural flavor that San Juan maintains in a sea of overdevelopment in Orange County makes the city truly a gem. Adding unsightly sound barriers and removing trees along the proposed stretch of the Ortega Hwy. road widening would be a travesty for the area and residents. I am strongly opposed to the widening and insist upon further research and discussion into the matter.

Regards, Marni Lombardo 29661 Monarch Drive San Juan Capistrano, CA 92675



This message may contain information that is privileged, confidential and exempt from disclosure under applicable law.

If you are not the intended recipient (or authorized to act on behalf of the intended recipient) of this message, you may not disclose,

forward, distribute, copy, or use this message or its contents. If you have received this communication in error, please notify us immediately by return e-mail and delete the original message from your e-mail system. Thank you.







Joy O <hnjoyo@. 08/14/2007 03:03 PM

To Lower74_D12@dot.ca.gov

CC

bcc

Subject Ortega Highway

6-102

Project Planners

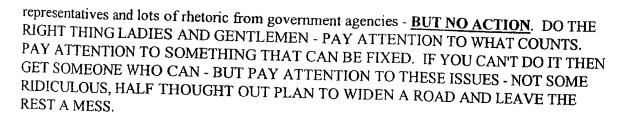
I'll introduce myself. My name is Joy Obade. I've lived in San Juan Capistrano for 11 years. In terms of change - 11 years is a lifetime. I'll give you my address later in this email.

Now let's look at this project like engineers might - shall we? We take a 2 lane road/highway that currently narrows to one lane that goes through an **EXTREMELY narrow and dangerous canyon**, and we look at widening one portion of the roadway and not the other. hmm, makes sense, eh??? We spend hundreds of thousands of dollars on surveys, and studies, and meetings, and salaries and parties and fund raisers, anger people in the community, take precious time out of people's lives to discuss this nonsense, and we are still looking at taking 2 lanes of traffic that currently narrows to one lane that traverses a narrow canyon! What is the difference if there are 2 lanes or 5 lanes or 1 lane or whatever, if the road ahead is narrow and dangerous with several horrific accidents a year?? Why not widen the road all the way from Antonio into Temecula? Take away all those awful steep turns? Why not??? Cause it's too much money - right? Then forget the whole project and stop obsessing about making one part of a road "better" (in whose mind?) and leaving the rest of the road as dangerous as it is. Come on guys and gals. Get your stuff together and stop thinking we are all idiots out here. Don't insult our intelligence.



Want to know where you CAN spend that money? Want to know where you truly have residents existing in conditions that <u>CAN</u> be fixed in total??? Want to know where traffic is so <u>AWFUL</u> with hundreds and hundreds of huge trucks, hundreds and hundres of cars each day ALL WITH ONLY WITH ENTRANCE AND ONE EXIT???? Really want to do something worthwhile with your money for a truly horrible existing situation??? THEN YOU ONLY HAVE TO LOOK AT AVENIDA AEROPUERTO IN SAN JUAN CAPISTRANO. You could all be martyrs! You could all really do some good. How about that - unique eh??? Light industrial companies, car companies, car rentals, motorcycles, huge trucks, an enormous amount of vehicular traffic traverse Avenida Aeropuerto - EACH DAY - AND IT'S A DEAD END STREET!!! ONLY ONE WAY IN AND ONE WAY OUT FOR ALL THESE TRUCKS, ALL THESE CARS, ALL THESE MOTORCYCLES, ALL THESE PEOPLE. Here's a good place to put your money to do a study. How in this world is this legal? How can any town have this amount of traffic going in and out of one street - a dead end street at that?? It is truly inconceivable, and we live it everyday. My address is 26000 Avenida Aeropuerto, and I live in the SENIOR mobile home park at that address. In the event of an emergency, in the event one of the trains is blocking the intersection, how in this world do we ALL get out of there? Do you care? Do you even know about this problem? Do you know how serious this problem is? We are subjected to the train horn abuse, that is ever worsening - by the day! We don't get a sound wall, we don't get an environmental study! We don't get funds for a Quiet Zone! We don't get any type of attention paid to these conditions. We get lots of rhetoric from the train





Regards,

Joy O

Got a little couch potato?
Check out fun summer activities for kids.



6-103





Diane <flevourofbrit1@r-</pre>

To Lower74_D12@dot.ca.gov

cc saveortega@

08/17/2007 01:32 PM

bcc

Please respond to Diane <flavourofbrit1@

Subject Proposed Ortega Widening

To whom it may concern:

As a small business owner and resident of San Juan Capistrano I wish to let | 1 you know that I will join in any lawsuit to stop the proposed widening of Ortega Highway. We want our city left the way it is.

Yours faithfully,

Dorothy Diane Krup 27891 Via Estancia, S.J.C Ca 92675 Owner-Flavour of Britain 31876 Del Obispo, Ste;4 S.J.C. Ca 92675





Alear Mr Paraar, 8/25/09

I rehemently oppose the ortega
Widening as per attached Comments.

This would be denestating
to San Juan Capitano. 6/04

Since permis
30597 Steplechase de
SJC, CA 92675

6-104



OPPOSE ORTEGA WIDENING

"Overwhelming" response could sway the agency, per Caltrans! You can make a difference, but you must hurry and act by SEPT 7th!

3

Email: Lower74 D12@dot.ca.gov

bcc: CityClerk@.

bcc: saveortega@

or mail: Dept. Transportation, Env. Planning

Attn: Iffat Qamar

3337 Michelson Drive #380 Irvine, CA 92612-0061

Why the widening is a had idea for Can Trans	1.
Why the widening is a bad idea for San Juan Property values will PLUMMET 	
• INCREASED TRAFFIC, AIR POLLUTION, & NOISE	12/3/4
• Ortega speeds to increase to an UNSAFE 55 mph	161711
Serves OUTSIDE interests at the expense of San Juan	16
• Traffic capacity will increase, inducing growth of 14,000 homes!	17
Student drivers at GREATER risk abutting trash trucks going 55 mph	18
• Inability to safely make left turns, Caltrans solution requires U-turns!	19
No traffic signals or pedestrian crossings allowed	110
 Induced growth will bring more crime & need for police services 	110
• Induced outside growth brings fire response sirens through our town	112
Traffic will increase from Riverside county	113
• 15-25' retaining and sound walls, the canvas for graffiti!	114
• City taxes & budget impacted (over \$1 million hit) for maintenance &	15
upgrade of sound & retaining walls	113
• Habitat endangered species at risk. Loss of scenic highway feel.	14 117
 Bike lane to nowhere! Bicyclists sharing 55-60 mph roadway w/cars! 	18
• Loss of 111 mature trees and landscape!	119
• Loss of street lighting & sidewalks, unsafe for students & disabled	120 121
 No equestrian or pedestrian crossings & loss of proposed trails 	122
 Loss of downtown business revenue 	123
 Archaeological & historically significant area FOREVER impacted 	124
Unsafe access for homeowners & equestrians bordering Ortega	125
• Conclusion of Study: Highway will look more like a thoroughfare!	126
• Deceptive, inaccurate depictions of project & bias presentations	orle
•	1

ORTEGA WILL BECOME A FWY. FOR OUTSIDERS TO ACCESS THE I-5!
DON'T LET THIS HAPPEN!
SPEAK UP BEFORE IT'S TOO LATE!









Adriane Puntoriero <ade@c 08/25/2007 09:21 AM

To Lower74_D12@dot.ca.gov

cc CityClerk@sanjuancapistrano.org

bcc

Subject OPPOSE ORTEGA WIDENING

Department of Transportation Env. Planning Attention Iffat Qamar 3337 Michelson Dr. Irvine, CA

We live at 30552 Hunt Club Dr, San Juan Capistrano and strongly oppose the widening of Ortega as currently proposed

We moved to San Juan about 4 years ago to get away from the congestion and the more urban life style of Newport BeachWe fell in love with San Juan because of its rural country setting, low crime rate and mexican heritage We like to take our two boys (6 and 9 years old) for walks to the San Juan Creek area requiring us to cross Ortega, along Ortega's tree lined street or head up Ortega to the questrian center to run the dogs or watch a horse jumping event. The proposed widening of Ortega will either eliminate or significantly hamper these type of activities. Also, we find it currently very dangerous to even make a right turn out of the Hunt Club onto Ortega heading towards town because of the current high speed of traffic. Making a left today, which we need to do often, is difficult and dangerous.

The proposed widening project is a huge mistake and must be stopped for these and a host of other reasons.

1. Interest in moving to San Juan (especially any communities off of Ortega will significantly decline which wont be a good thing for anyone

2. San Juan will suffer at the pleasure of those passing through

3. Speed will increase, ability to turn left will be eliminated, inability to take walks on or across Ortega will be gone

4. Horses along Ortega or across Ortega to use the City and private horse trail system that San Juan is know for would be eliminated 5. The wall will likely attract graffiti and require the City to expend fund for ever to keep it presentable

6. Adding more cars to the on ramp at Ortega and the 5 Fwy is going to create what is already an impossible situation during heavy commute

I would suggest that a compromise plan significantly curtailed from what is proposed might be received more favorable by the community of San | 100

Simply making the portion of Ortega four lanes where it is currently two lanes with no change to where it is already four lanes would be a

Please immediately stand down from your current plan and reconsider the solution

Thank you for considering those who would be most effected

Mike and Adriane Puntoriero 30552 Hunt Club Dr San Juan Capistrano ade@

3





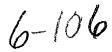
















"Lana Hamdan " <Lhamdan@: 08/27/2007 03:03 PM

To <Lower74_D12@dot.ca.gov>

СС bcc

Subject Save Ortega

To whom it may Concern,

As residents of San Juan Capistrano, Ortega highway is the street that Leeds to our house, therefore we

oppose any widening of Ortega Highway,

as we are entitled to our privacy sanity in order to live in peace at our home. As a result we stress on opposing the plans to widen ORTEGA Highway.

Respectfully,

Khalil and Lana Hamdan and Family





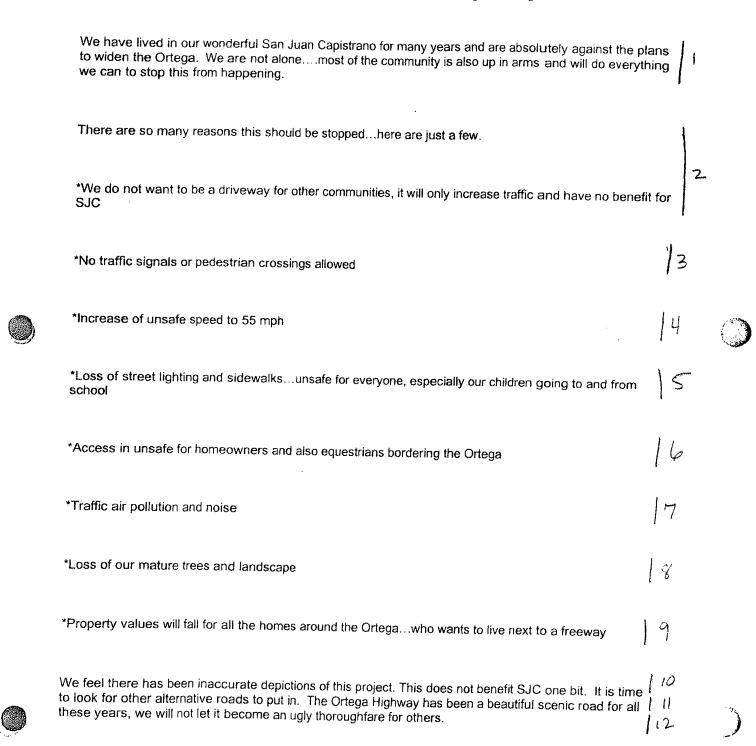
"Suzanne" <suzbmc@ 08/27/2007 09:48 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject We oppose the Ortega Widening...





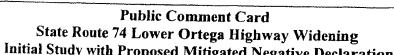
Suzanne and Terry McCardle

San Juan Capistrano









Initial Study with Proposed Mitigated Negative Declaration	
Please print: LEVE + PENNY JLINGER	I I
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	
supporting technical studies are available for review and comment at Coltrans District 42	
out Michelson Drive, Suite 100, Ifvine, CA' the City of San Juan Canistrana, Diagrams	
Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at:	
http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to	
California District 12 by loiding, Stapling, and sending this card to the address on the reverse	
in addition, comments can be e-mailed to: Lower/4_D12@dot.ca.gove	
Copy to: City Clerk @ Son Juan Capistrano. org	
7,7,4,0.204	

6-109

18





livars Bumbulis <bumblb1904@

08/31/2007 11:09 AM

To Lower74_B12@dot.ca.gov

cc "Hon, Mayor Sam Allevato" <sallevato@:

<jsoto@:

>, Joe Soto

Subject ORTEGA WIDENING

I am absolutely astounded that you could say that the following "negative" impacts are NOT SIGNIFICANT:

- 15-25' high retaining and sound walls
- Loss of 110 mature trees and landscaping
- Taking property from at least 10 property owners
- Loss of scenic highway feel
- No pedestrian or equestrian crossings and loss of proposed trails
- Inability to safely make left turns, requiring U-turns
- City taxes and budget impacted to the tune of over \$1 million for maintenance and upgrade of sound and retaining walls
- Loss of street lighting and sidewalks



To the residents of San Juan Capistrano they are very SIGNIFICANT! You should have done a complete EIR! This widening serves OUTSIDE interests at the expense of the city of San Juan Capistrano!

This widening would forever impact a beautiful, rural, archaeologically significant and historical town!

The Study's own conclusion is that the highway will look more like a thoroughfare. This is simply unacceptable!!

Sally Bumbulis

27383 Paseo Laguna San Juan Capistrano, CA 92675







"jim fee" <jimfee@ 08/31/2007 10:48 PM

To <Lower74_D12@dot.ca.gov>

cc <CityClerk@:

<saveortega@

<jimfee@

bcc

Subject Proposed widening of Ortega Highway

Gentlemen:

31 August 2007

My wife and I have lived next to Ortega highway for seventeen years. It is a beautiful setting on Hunt Club Drive where we raised our family.

Since 1990 we have seen the Ortega traffic increase significantly and the current level is beginning to threaten the character of San Juan Capistrano. Traffic in the weekday mornings backs up from the traffic light at La Novia and the light by the 5 freeway onramps is quite congested whether you want to go north or south.

Adding an additional westbound lane would make the situation untenable, creating severe backups extending from La Novia back past Hunt Club Drive. The point is the center of congestion is at the stops, not the approach. Hence the proposed modification - widening Ortega Highway - does not make sense.

We oppose this planned widening of Ortega Highway.

Sincerely,

James and Edith Fee 30981 Hunt Club Drive San Juan Capistrano 12







"Dana Pilkerton" <dpilkerton@r

Π

To <Lower74_D12@dot.ca.gov>

CC

bcc

09/01/2007 03:59 PM

Subject Ortega Highway Widening

As a resident of the Hunt Club in San Juan Capistrano. I urge you not to widen Ortega Highway. This is a bad plan which will create more traffic, congestion, and alter the quiet country living which people came to the Hunt Club for. This will be unsafe for the residents, will increase the noise, and air pollution to the San Juan area. Please stop this widening project.

Sincerely, Dana Pilkerton 30637 Hunt Club Drive SJC









Willie and Dick McEwen

OX.

To Lower74_D12@dot.ca.gov

cc bcc

U9/01/2007 11:19 PM

Subject Opposition to Ortega Widening

Sirs;

I oppose the proposed widening of Ortega highway as presented, primarily because it fails to provide for the safety of San Juan Capistrano residents that must use

Ortega to enter or leave their communities. I am a resident of the Hunt Club located on the north side of Ortega Highway, There are only two exits from the community

and the residents of 132 homes must use these two exits/entrances.

The current plan to have no traffic signals between the San Antonio/La Plata intersection and La Novia will surely result in accidental deaths due to unsafe egress

onto Ortega where steady steams of traffic traveling at the higher speeds (as proposed in the Project Study Report)will only allow risky turns, either left or right

onto Ortega.

The Mitigated Negative Declaration certainly does not not cover adequately the safety issues we face, even presently, with no traffic signal at one of the only two

ingress/egress streets to the Hunt Club, Calle Entradero or Hunt Club Drive.

I urge you reevaluate the safety and the many other questionable topics in the Ortega project by preparing an Environmental Impact Report

James Richard McEwen,

30921- Steeplechase Drive

San Juan Capistrano CA. 92675

Phone

2

3





"Knight Kin" <kip@ 09/03/2007 11:22 AM

To </br>To d12@dot.ca.gov>

Subject Strongly opposed to the widening of Ortega Highway

Dear DOT

Our family has been a resident of the Hunt Club for the past 8 years which is just off the Ortega Highway.

I am writing you to express my strong opposition to the widening of the Ortega Highway. From everything I have read, this is a really bad idea. It will create a huge amount of commuter traffic through our community and we will get nothing in return (worse than that, we will great traffic headaches, more pollution, more traffic noise and reduced property values).

I understand as part of this highway widening project there would be massive tree removal as well which makes no sense in a time in which we're all becoming more concerned about the environment and the growing threat of global warming.

Once the highway is widened (and the speed is increased to 50 mph, there will be no going back to the San Juan Capistrano that we choose to live in when we moved here from Texas. San Juan Capistrano is a very unique community in Orange County and this highway project threatens to change in a permanent and negative way.

Additionally, widening highways always encourages more traffic, not less. It's time to cut back on building more roads and invest in more sustainable mass transit instead.

I would appreciate it if you could send me an update on what's going to happen on the Ortega and if there's anything else I can do as a taxpaying citizen to stop this senseless project.

Regards

Kip Knight

12 13 14

4

6-114





LimaBeano@ 09/03/2007 12:10 PM

To lower74_d12@dot.ca.gov

CC

bcc

Subject Strong Opposition to the Widening of the Ortega Highway

Dear DOT:

I am a resident of the community of San Juan Capistrano, CA.

I am aware of plans being considered to widen the Ortega Highway. This plan involves removing beautiful, mature trees which add to the beauty of our city as well as help create a cleaner environment by their consumption of CO2. Additionally, these trees provide a cooling effect on the area by the shade the provide.

Additionally, I understand the plan would involve removing sidewalks which are used by pedestrians in the area on a daily basis. These pedestrians are not adding to the area air pollution and would be put in harms way without the sidewalks.

I also understand plans are in place to increase the speed limit on the Ortega Highway. Again, the serenity of one of the historic locations in California would be compromised by the increased speed limit.

I am strongly opposed to the plans which are in place. Other communities need to step up and allow access roads through their communities to support the residents in their communities.



Please let me know if I can do anything to stop this project from going forward. Please update me on any plans or discussions about this proposal.

Sincerely,

Peggy Day

Get a sneak peek of the all-new AOL.com.

6-115





Jack.Zepp@ 09/03/2007 02:09 PM

To Lower74_D12@dot.ca.gov, CityClerk@ cc

rg, saveortega@

bcc

Subject Proposed Ortega Widening

I live at 27849 Ortega Hwy, San Juan Capistrano. I oppose the proposed widening of Ortega. I believe it is unnecessary and creates the very problem--increased traffic-- it is supposed to alleviate. I also believe it will be destructive to San Juan Capistrano. It will destroy the ambiance of the town, deface one of its most attractive major entryway, destroy a tree-lined green belt and create a serious traffic hazard for those who live on or otherwise want to access properties to the north and south of Ortega. There comes a point where the desire to construct for the sake of spending budgeted construction dollars, to accommodate trash trucks at the risk of school children, and to accommodate developers' dreams by creating soon to be clogged freeway access for unbuilt homes should take a back seat to safety, esthetics and the preservation of what is special about our community. I admit to being directly affected by the proposed project. However, I believe every citizen of San Juan will be indirectly and adversely affected by it, both by the construction itself and then by the resulting traffic mess the widening will create for all who want to access the high school or their homes or the substantial residential communities serviced by Ortega or who simply want to travel through our downtown by a means other than foot or Segway. Jack Zepp



To comply with IRS regulations, we advise you that any discussion of federal tax issues in this email was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

For more information please go to http://www.lw.com/docs/irs.pdf

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Latham & Watkins LLP





"Danelle Reimar" <djreimer@ 09/04/2007 02:20 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Oppose Ortega Widening

We are 7 year residents of San Juan Capistrano and are against the widening of Ortega Highway for several reasons some of which include: unsafe left turns out of the Hunt Club residence where we reside (U-turns are an unfair solution), no traffic signals or pedestrian/biking crossings allowed, increased traffic (> risk for injuries/accidents.

I believe there must be other solutions to help with congestion, including connecting La Pata through to San Clemente, extending Avery Parkway into Ladera Ranch, and the much talked about extension of the 241 toll road through to the 5 freeway. San Juan has the right to keep its streets safe and its ambiance peaceful as it was intended.

Is there a compromise? Widen Ortega past the main residential neighborhoods?

Thank you for your consideration, Danelle and Ron Reimer 30926 Steeplechase Drive San Juan Capistrano, CA 92675







"Sue Connor" <sconnor@ 09/05/2007 uz:u7 PM

To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Re Ortega Widening

Please, please address the safety issues of a widened Ortega Highway. The traffic is horrendous now. Trying to leave and return to our home has become a nightmare. Widening Ortega will just exacerbate this problem. Please request an EIR so the safety issues that my family and our neighbors face can be addressed. We have children trying to drive to school, trying to ride their bicycles into town, and trying to 12 14 cross Ortega to play soccer.

Thank you for attending to this issue.

Sue Connor 30651 Steeplechase Drive

San Juan Capistrano, CA 92675









Christine Spec^{-/} <csmarbella@ 09/05/2007 10:47 PM

To Lower74_D12@Dot.Ca.Gov cc CityClerk@SanJuanCapistrano.org

Subject Widening the Ortega Highway

Dear Cal Trans,

I know that you are the outfit that fixes and maintains roads and admire so much of what you do. You should be the most popular group in California because you have the capacity to improve the quality of our lives. We desperately need more roads down here to relieve congestion. However, I believe that a full environmental impact report is necessary before anything is done to widen the Ortega Highway.

Obviously the houses on either side of the Ortega will be negatively affected and the extent of this has to be addressed. Will you put in new traffic lights so these people can exit their communities? will happen to the shopping malls near the Ortega and I-5 What Will businesses fail because no one dares to enter, fearing they will never be able to get out? Right now, the Ortega widens to accomodate cars going North and South on the I-5 and straight ahead. This intersection is already throttled with cars the entire day becoming nightmarish at rush hours. What will the impact of a wider Ortega that flushes even more cars down to this bottle neck be? Will automobiles entering Ortega Highway from Rancho Viejo Road from both the North and South directions even be able to get on to the Ortega with a light? Or do you plan to station a policeman under the light to direct traffic and enforce no gridlock the way they do in LA? How about the bottle neck at Ortega and Del It seems perverse to widen the Ortega when all that will do is cause us all to come to a grinding halt at the I-5.

If ever a full EIR was needed, it is for this intersection. already the intersection from hell. The Ortega cannot be tampered with in a vacuum. A full environment report is necessary to account for the impact at the Ortega/ I-5 intersection at the Del Obisbo intersection and at the Rancho Viejo intersection.

If you did a full environmental impact report, you could explicitly discuss all these obvious negative impacts and provide the citizens of San Juan Capistrano with some constructive, big picture traffic solutions. For example, instead of widening the Ortega, why don't you spend your money connecting Avery Parkway to San Antonio Parkway? Or the Stonehill I-5 entrance to an extension of La Patia in a bid to provide more outlet options rather than funneling all the traffic into the center of town? Your EIA could tell the City it is crazy to build yet another gas station at the corner of Ortega and the I-5 because that just further aggravates traffic accident hazard. Please help us. Please do a full EIA and hire experts to think up more creative traffic solutions. Show them a copy of this email. Please come up with solutions that will improve the quality of life for San Juan Capistrano citizens not further degrade it.

That is my sincere request.

5



Christine Speed 42 Plaza Vivienda San Juan Capistrano









"Jerry & Susan" <jersue64@ > 09/06/2007 09:43 AM

To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

Subject E.I.R. prior to widening of Ortega Highway

Dear Sirs,
As a resident of San Juan Capistrano who lives close to the proposed widening of Ortega Highway, I respectfully request that you do a full E.I.R. to assess the impact on our community.

Widening Ortega will take away the walking access, the trees that line the highway, ruin the beauty of the corridor and not really solve the traffic issues as it would still be the only link to Antonio/La Pata through our community.

Thank you for your consideration and I trust that you will listen to the input of the citizens of San Juan Capistrano and the community leaders regarding this matter.

Sincerely, Susan Clarke





Tinarandy2003@ 09/06/2007 10:31 AM

To Lower74_D12@dot.ca.gov

cc SAMRANDY@

bcc

Subject Ortega Highway Widening

From:

Tina Sechrist Randy

30912 Steeplechase Dr.

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ti	n	<u>a@</u>							<u>'9</u>

Regarding: Why the widening ORTEGA is a bad idea for San Juan Capistrano PLEASE DON'T LET THIS HAPPEN!

•	Serves OUTSIDE interests at the expense of San Juan
	Traffic capacity will increase, inducing growth of 14,000 homes! 3
	Property values will plummet
	INCREASED TRAFFIC, AIR POLLUTION, & NOISE
	Ortega speeds to increase to an UNSAFE 55 mph
	Student drivers at GREATER accident risk abutting trash trucks
	Inability to safely make left turns, requiring U-turns
	No traffic signals allowed
	Induced growth will bring more crime & need for police services 2
	Induced outside growth brings fire response sirens through our town \\ \13
	Traffic will increase from Riverside county \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	15-25' retaining and sound walls, the canvas for graffiti!

City taxes & budget impacted (over \$1 million hit) for maintenance & upgrade of sound &



•	Habitat endangered species at risk
•	Loss of scenic highway feel
	Loss of 111 mature trees and landscape!
	Loss of street lighting & sidewalks, unsafe for students & disabled 20
	No equestrian or pedestrian crossings & loss of proposed trails 2
•	Loss of downtown business revenue 22
	Archaeological & historically significant area FOREVER impacted
•	Unsafe access for homeowners & equestrians bordering Ortega 24
	Conclusion of Study: Highway will look more like a thoroughfare! 2 =
A •	DI ELGE DONAMA PER MANAGANA

Again, PLEASE DON'T LET THIS HAPPEN!

Thank you for your kind consideration,

Tina Sechrist Randy

Get a sneak peek of the all-new AOL.com.





GRehler@ 09/06/2007 12:29 PM

To Lower74_D12@Dot.Ca.Gov

CC

bcc

Subject Report on Ortega Widening

It is imperative that Cal Trans conduct an Environmental Report on Ortega Hwy, widening before it is TOO Late.

Get a sneak peek of the all-new AOL.com.



6-122





"Jerry Lawrence" <jplegend@

09/06/2007 12:48 PM

Please respond to jplegend(

To Lower74_D12@dot.ca.gov

cc "Mark Neilsen" <mnielsen@r Uso" <luso@-- : <isoto@sani.

"Lon

org>, "Joe Soto"

Subject The Ortega widening project

Dear Sirs:

It is a given that at some point Ortega Highway needs to be widened to 2 lanes in each direction East from San Juan Capistrano to the San Antonio Parkway/La Pata intersection. However, several other projects should have a higher priority for completion.

Consider the new high school located on La Pata near the landfill. In case of a natural or manmade disaster, the only exit for the thousands of students and faculty at the school is North on La Pata. If anything blocks that exit, the school population is trapped. The extension of La Pata into San Clemente, and the extension of San Juan Creek Road to La Pata should have the highest priority, for the safety of our children.

Other mitigating measures need to be taken to reduce the traffic load on Ortega Highway, specifically extension of the 241 toll road to the I-5 in San Clemente, extension of the 73 toll road to Antonio Parkway, and extension of Avery Parkway to Antonio Parkway.

The information presented on the proposed widening of Ortega included 2 lanes in each direction, a center median, and bicycle lanes in each direction. Ortega highway from the I-5 to Entradero (where the road begins to narrow) does not have bicycle lanes currently, and I belive there are no plans for the future widening of that portion of the highway. If the bicycle lanes are eliminated from the proposal, the total right of way could be narrower, potentially eliminating or reducing the need for high retaining walls and repulsive sound walls (graffiti blackboards) and saving many of the trees scheduled for removal, as well as retaining as much of the beauty of the Eastern approach to San Juan as possible.

Please give these proposals your serious consideration.

Sincerely, Jerry & Shareen Lawrence San Juan Capistrano 2

3

15/10/

15,16,17 18





Debe Bailevs <debe@ 09/06/2007 03:44 PM

To <Lower74_D12@dot.ca.gov>, <CityClerk@sanjuancapistrano.org>, <saveortega@

CC

bcc

Subject Ortega Widening

To Whom It May Concern:

I am writing to urge you to reconsider the widening plans for Ortega Highway. I am an 18-year resident of San Juan Capistrano and I am opposed to the widening and will support any lawsuit that tries to prevent it. The plans that currently exist will ruin our historic town and make life unbearable for the many citizens who live along Ortega Highway. How can you not understand what a tremendous impact this would have on the residents who live in this area? As it is now, I fear for my teenage children pulling out of our community into 45 mph traffic into lanes crammed with commercial trucks and aggressive commuters. I can only imagine what raising the speed limit will do. How are we suppose to get to and from our homes? There have been mornings where it has taken me over ten minutes to make a left hand turn back into the Hunt Club after dropping my children off at school. In the City Limits of San Juan Capistrano, Ortega Highway runs through many residential neighborhoods and several schools. Removing the sidewalks and trees, as well as disallowing for crosswalks and traffic lights, would only spell disaster to these neighborhoods and our children.



While I understand the need for more roads to accommodate the impending development, I really think that alternative solutions, including the completion of ancillary roadways to divert traffic to alternate freeway on-ramps, needs to be looked at more thoroughly before San Juan Capistrano is forced to bear the traffic from the proposed Mission Viejo Company home development. Our freeway interchange at Ortega Highway cannot handle any more local traffic, let alone thousands of additional cars each day. Ortega Highway should not become a freeway for outsiders to access the I-5 at the expense of our historic town and neighborhoods.

Sincerely,

Deborah Suttie Baileys 30691 Hunt Club Drive San Juan Capistrano





Laura Freese <laurasfreese@: 09/06/2007 07:18 PM

To Lower74_D12@dot.ca.gov

СС

bcc

Subject the Lower Ortega Hwy

Dear Caltrans:

I would like to officially state that I am <u>opposed</u> to the widening of the Lower Ortega Highway (74).

The reason is simple. There needs to be a plan and that plan needs to have an east-west corridor <u>north</u> of San Juan Capistrano and an east-west corridor <u>south</u> of San Juan Capistrano. When an east-west corridor north and south are put into place, then the pressure on the Ortega Highway will be reduced.

Why is this important?

It is important because San Juan Capistrano is a city that wants to stay small, keep as rural as possible and keep what is left of its charm. If the Ortega Hwy is widened, it will become a super highway and absolutely destroy the charm of the eastern part of the city. Not every city in Orange County wants to look like Los Angeles.

I know that I speak for many, many people who may not pick up a pen to write your or type out an e-mail but hat they fee the same way.

Please, please take your bulldozers to the north and south first, and then review the Ortega Hwy again in another 15 years.

Thank you – Laura S. Freese

Building a website is a piece of cake.

Yahoo! Small Business gives you all the tools to get online.





6-125





"SallyG" <sallygee@ 09/06/2007 09:41 PM

To <Lower74_D12@Dot.Ca.Gov>

cc <CityClerk@SanJuanCapistrano.org>

bcc

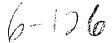
Subject Widening of Ortega Highway

To whom it may concern:

I have been a San Juan Resident for about 9 years.

I oppose the grand scale widening of the Ortega Highway and demand that a full EIR prior to the commencement of any work or final approval of plans.

Sincerely yours, Sally Garibaldi







Chris Thayer <cmthayer@i 09/07/2007 11:38 AM

To Lower74_D12@dot.ca.gov

cc CityClerk@sanjuancapostrano.org, saveortega@

bcc

Subject OPPOSE ORTEGA WIDENING

To Whom It May Concern,

We live in a neighborhood right off of Ortega Hwy. Transportation congestion on Ortega has increased exponentially in the 10 years since we moved here. This widening is an atrocity! There are so many other and better options available and it is unbelievable that you have continually ignored these other options. I send my daughter to JSerra, the local catholic high school, because of the convenience of the location along with many other reasons, however, when I pick her up to bring her home, it takes me an extra 20 minutes to arrive to my neighborhood. Additionally, when she begins driving it will be unsafe because of the proposed speed. As it is now the residents with teenagers driving are worried every time their child is behind the

There has to be a better solution. Using Ortega as the primary thoroughfare for south county residents to get to Ladera Ranch, Rancho Santa Margarita, San Juan Hills High School, etc. is devastating to all of the quaint neighborhoods and to the charm of the city of San Juan Capistrano.

4



We OPPOSE THE ORTEGA WIDENING! Do not go through with this unfair and bad plan.

Sincerely,

Chris & Ken Thayer 30721 Fox Run Lane San Juan Capistrano

50me 6-127





Chris Thayer <cmthayer@ 09/07/2007 11:41 AM

To Lower74_D12@dot.ca.gov

cc CityClerk@sanjuancapostrano.org, saveortega@c

bcc

Subject Fwd: OPPOSE ORTEGA WIDENING

Begin forwarded message:

From: Chris Thayer < cmthayer@

Date: September 7, 2007 11:38:53 AM PDT

To: Lower74 D12@dot.ca.gov

Cc: CityClerk@sanjuancapostrano.org, saveortega@r

Subject: OPPOSE ORTEGA WIDENING

To Whom It May Concern,

We live in a neighborhood right off of Ortega Hwy. Transportation congestion on Ortega has increased exponentially in the 10 years since we moved here. This widening is an atrocity! There are so many other and better options available and it is unbelievable that you have continually ignored these other options. I send my daughter to JSerra, the local catholic high school, because of the convenience of the location along with many other reasons, however, when I pick her up to bring her home, it takes me an extra 20 minutes to arrive to my neighborhood. Additionally, when she begins driving it will be unsafe because of the proposed speed. As it is now the residents with teenagers driving are worried every time their child is behind the wheel.

There has to be a better solution. Using Ortega as the primary thoroughfare for south county residents to get to Ladera Ranch, Rancho Santa Margarita, San Juan Hills High School, etc. is devastating to all of the quaint neighborhoods and to the charm of the city of San Juan Capistrano.

We OPPOSE THE ORTEGA WIDENING! Do not go through with this unfair and bad plan.

Sincerely,

Chris & Ken Thayer 30721 Fox Run Lane San Juan Capistrano





"Marion & Tom Costello" <tvc32190@ 09/07/2007 01:40 PM

To <Lower74_D12@Dot.Ca.Gov>

CC

bcc

Subject Ortega Widening

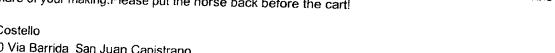
To:D.O.T.Environmental Planning, Simta Deshpande, Branch Chief. Attn:Iffat Qamar

What is needed is a complete, full environmental report, this is a no brainer. Anything less would be wilful neglect of your agency's environmental responsibilities.

It is obvious no action should be taken as to any widening til the 241 and La Pata extensions are complete and after that an evaluation of the Ortega/5 interchange.

At that point there should be sufficient intelligence to make a well informed decision as to the 74 requirements. All that the current [proposed] project would do is to speed the flow of traffic into a bottleneck that is incapable of handling the current number of vehicles struggling to pass thru. A veritable nightmare of your making. Please put the horse back before the cart!

Tom Costello 32190 Via Barrida San Juan Capistrano









Roger Evans <rjevans3@ 09/07/2007 02:20 PM To lower74_d12@dot.ca.gov

CC

bcc

Subject Concerns About Widening of SR 74

There is no doubt that improvements need to be made to this section of Ortega Highway. I am not against a project that will improve traffic flow, safety and aesthetics. I am however opposed to a project that changes so drastically the character of this road.

Additionally, I believe it makes no sense to improve/widen Ortega Highway until other surrounding infrastructure is completed. This includes roads that will divert vehicles off Ortega Highway, and the completion of the I5 interchange. If this other work is not competed first, Ortega will become a raceway during off peak hours and a parking lot during peak hours.

I do not believe that Cal Trans has given this project it's best effort. Please come up with a revised plan that addresses and resolves the many valid concerns of the community.

Best regards,

Roger Evans Ph: 30891 Silver Leaf Drive San Juan Capistrano, CA 92675





Eva Crabbs 31491 Via Santa Maria San Juan Capistrano, Ca. 92675

Smita Deshpande Environmental Branch Chief, Attn. Iffat Qamar Caltrans District12 3347 Michelson Dr. Suite 100 Irvine, CA 92612-1692

September 7, 2007

To Whom it May Concern,

I am very much opposed to the widening of the Ortega Highway from Antonio towards San Juan Capistrano.

I am in full support of our City Council's action to retain a CEQA attorney to determine the adequacy of Caltrans' initial study of the proposed widening of Ortega Highway and to proceed with a lawsuit if necessary.

It is of particular interest that Caltrans' report contains no reference to the 2002 Strategic Transportation Plan, prepared at a cost of \$100,000, to have traffic engineering experts review possible traffic improvements. Their conclusion was to strongly oppose the Ortega widening, stating, "Table the project development activities for widening Ortega Highway until commitments or resolution is achieved on strategies 1 through 5 and 10 (the extension of La Pata and the 241, an extension of Avery to Antonio, a southbound off-ramp at Stonehill, a new road off Crown Valley; and after those a new Ortega/I-5 interchange)."

The traffic experts commented that to proceed with Ortega widening first, "without prudent traffic diversion strategies, traffic volumes could increase, resulting in the same, or worse, congestion levels, only now with four lanes instead of two." They also stated that the Ortega widening "should not occur until the interchange is improved, as existing interchange congestion would be exacerbated."

Sincoroly

Eva Crabbs

Cc:Smita Deshpande, via US post





Linda Pierce lilopierce@ 09/07/2007 06:45 PM

To Lower74_D12@dot.ca.gov

cc bcc

Subject Ortega widening

To Caltrans Planning Officials:

As a residents of San Juan Capistrano who live along the Ortega Highway, we're deeply concerned about the proposed widening of the highway.

In order to widen the street to the proposed 3 lanes each way, plus a turn lane in the center, the trees and sidewalks will have to be taken out, and the street will no longer be the scenic drive it has been designated.

Worse, the speed limit, we're told, will be raised to 60 mph. For several years there's been a "double-fine zone" for going over 40 mph along this stretch of the highway in San Juan. There are neighborhoods on both sides of the highway, and people need to turn into and out of this main thoroughfare. We're also told there will be no stop lights at the intersections leading into these neighborhoods. This is a huge safety issue! How can Caltrans justify allowing 60 mph traffic on this highway, the only major street that serves these neighborhoods? Even now, with the 40 mph speed limit it is extremely difficult to turn onto Ortega across traffic. With 60 mph traffic and no stop lights, someone from our neighborhoods is going to get killed. How can Caltrans justify jeopardizing the safety of people in our town to accomodate traffic trying to get to the 5 Freeway from points east?

We are told there will be a tall sound barrier built along one side of the highway, which will cause the sound to bounce off, causing greater sound on the other side, the side which has no sound barrier. The homeowners along that side will suffer greatly increased traffic noise, especially with the increased speed limit.

Please reconsider the plans for freeway access to Interstate 5. Bringing massive amounts of speeding vehicles through our quiet neighborhoods is not fair to our peaceful city.

Very concerned citizens, Richard Pierce Linda Pierce 0

3

4







"Virginia Thompson" <matthompson@ 09/07/2007 07:49 r.m. To <Lower74_D12@dot.ca.gov>

CC

bcc

Subject Ortega Widening

Dear Public Servants,

Please keep the rural feel of our town, San Juan Capistrano, and stop the widening of the Ortega Hwy. We do not need more cars going through our town and taking away the small town feel of our home. San Juan Capistrano is a great place to raise our children and having a highway for the convenience of other towns would add congestion and traffic while adding a huge, ugly liability to our quality of life.

Please stop the widening of the Ortega Hwy.

Sincerely,

Virginia Thompson 32181 Via Los Coyotes San Juan Capistrano, CA 92675







ANDER PIERCF <anderpierce@/ 09/08/2007 08:57 AM

To Lower74_D12@dot.ca.gov

CC

bcc

Subject Subject: Ortega widening

To Caltrans Planning Officials:

As a residents of San Juan Capistrano who live along the Ortega Highway, we're deeply concerned about the proposed widening of the highway.

In order to widen the street to the proposed 3 lanes each way, plus a turn lane in the center, the trees and sidewalks will have to be taken out, and the street will no longer be the scenic drive it has been designated.

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Please reconsider the plans for freeway access to Interstate 5. Bringing massive amounts of speeding vehicles through our quiet neighborhoods is not fair to our peaceful city.

Very concerned citizen, R. Ander Pierce .







Heather Davis <heatherdavis@ 09/08/2007 12:16 PM

To Lower74_D12@dot.ca.gov

CC

bcc

Subject

I am writing to oppose the widening of Ortega Hwy. The E.I.R. was never delivered and San Juan Capistrano has been screwed over enough. No more! You should have made Avery Parkway go through instead of letting Mission Viejo put the golf course there! Ortega is the entrance to our historical, equestrian town lined with old trees. Please stop the madness!

Best,
Heather Davis





Tinarandy2003@ 09/08/2007 04:27 PM

To Lower74_D12@dot.ca.gov

cc SAMRANDY@

bcc

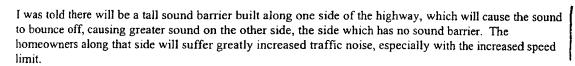
Subject Widening-Ortega

To Caltrans Planning Officials:

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Please reconsider the plans for freeway access to Interstate 5. Bringing massive amounts of speeding vehicles through our quiet neighborhoods is not fair to our peaceful city

Very concerned citizen, Sam Randy SAMRANDY@

See what's new at AOL.com and Make AOL Your Homepage.







"Jeff Allen" <JAllen@.

n>

To <Lower74_D12@dot.ca.gov>

CC

09/08/2007 11:13 PM

bcc

Subject | I Oppose the Ortega Highway Widening

I strongly oppose the CalTrans proposal to widen Ortega Highway at this time. The first priority of CalTrans should be to promote implementation of the traffic strategies outlined in the City of San Juan Capistrano's 2002 Strategic Transportation Plan. No widening of Ortega Highway should be allowed until those strategies have been implemented.

12

Sincerely,

Jeffrey B. Allen 30602 Hunt Club Drive San Juan Capistrano, CA 92675







"Carla Kallen" <carlita722@ 09/09/2007 01:35 AM To Lower74_D12@dot.ca.gov

cc CityClerk@sanjuancapistrano.org

hcc

Subject Oppose Ortega Widening

To Whom It May Concern:

I have been a resident of San Juan Capistrano for over 28 years. For the last 20 years I have lived with my husband and five children on Hunt Club Drive which intersects Ortega Hwy. at a point in the middle of the proposed widening project. I have read the California Department of Transportation's initial study, and I am completely opposed to the proposed widening of Ortega Hwy.

Our city's General Plan states that it is our policy to "preserve and enhance scenic transportation corridors." The plan to cut down 111 mature trees and install 15-25' retaining walls and sound walls along Ortega Hwy. is certainly not in keeping with this policy.

P. 2-19 states that the proposed widening would not affect the cohesiveness of the neighborhood. The schools our children attend are on the south side of Ortega Hwy. We live on the north side. Our children will not be able to safely get to school when there is no proposed traffic signal at our intersection and no proposed sidewalk on the north side of Ortega Hwy. to walk along until the nearest signals at the intersections of Antonio or La Novia. Increased speed along Ortega would only make getting to school on the other side more difficult and dangerous. The neighborhoods on the north and south sides of Ortega need to stay integrated.

P.2-17 of the study states that the area within the city limits of San Juan Capistrano is largely built out. Therefore we don't need to widen Ortega to accommodate the City's needs. This project is being driven by potential need and not actual need. Demographic trends in Riverside County and the plan to build 14,000 homes east of the city are what is causing the problem. The city of San Juan Capistrano has shouldered more than its fair share of the traffic from neighboring areas. Other options to accommodate this outside growth need to be explored and implemented This problem should not be resolved by San Juan Capistrano at our peril!

Sincerely, Carla Kallen 30751 Hunt Club Drive San Juan Capistrano, Ca. 92675





The public review and comment period for the initial Study and Proposed Mitigated Negative Declaration has been extended for 30 days from Thursday, August 9, 2007 through Saturday, September 8, 2007.

6-137

SEPTEMBER 6, 2007

OUR RESPONSE;

Chuck & Marsi DeCasas, live on the comer of VIA CRISTAL and Ortega Hwy. 30982 Via Cristalsince 1997

We have attended all meetings. We have viewed the plans put down By CALTRANS to widen the Ortega Hwy.

We strongly disagree with the widening of Ortega Hwy

Do to the fact that San Juan Capistrano paid \$100,000 to have experts in 2006 Evaluate the situation to determine if there would be any impact at all to the immediate environment. The experts determined, YES there would be a direct impact on the immediate environment;

*The 5 Freeway needed to be widened BEFORE widening the Ortega hwy Or there would NOT be a change in traffic congestion.

*San Antonio Avenue would have to be widened, BEFORE the Ortega hwy Was widened, or traffic AGAIN would stop.

*LA PATA would have to be opened BEFORE the Ortega HWY was widened Or AGAIN traffic would be at a DEAD STOP.

*removal of trees would greatly impact the immediate residents as well As the whole environment of the entire city. Trees make a difference in Shade, create oxygen for the city, sound barriers, and the fact that our Swallow birds have been coming to San Juan Capistrano for centuries because of the trees and lush environment. If CALTRANS insists on drastically changing the MAIN STREET IN SAN JUAN CAPISTRANO from Lush and beautiful trees and green path ways for the residents as well as our horses to travel on...to cement walls and a four lane cement highway, it would change the city entirely and how we value each other, our health as well as our way of LIVING... No question about it. We would even risk losing the historically Phenomenon of the SWALLOWS Visit every year.

Help as preserve our health, raising our children in a less stressful environment And continue bring people to our city because it is beautiful and the Swallows visit every year. The traffic will just be moving so fast, never slow down enough to enjoy what nature is ...that they will miss the beauty and the time to really reflect on how beautiful life is. It's too late for Los Angeles to slow down, let's keep our beautiful environment and respect it. Let the traffic slow down to smell The flowers, it's San Juan Capistrano...not many towns left with that dream.

To say there is NO impact to the environment is closing your eyes to reality. It is according to who the change effects. If it is NOT you or your children, of course there is NO impact. Think about what it would be like to have traffic going 60 mph 20 ft from your back yard where your children play. Breathing the exhaust from cars and becoming deaf to sound. Would that have an impact on your way of life??? If you think NO, you haven't lived in America long enough. This change steals the American Way of Life.

Thanks for your time.

Comment [H1]:







Please print: ROGER MONACO
Comment:
Re: Retaining wall Number 5 between No. 112 + Nol/3
15 being constructed at a access Road Tocation.
My question is who has the juristiction to this
area + who has the access rights. We believe that
our property rights are being taken by welling up this
property access. We want this access to remain open For
emergency + maintenance purposes + Fire safety purposes.
It has her open on all Catrono drawings until Tan
of this year
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12

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WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

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Please print: Name: RAPONER
240-4304
Comment:
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7





Initial Study with Proposed Mitigated Negative Declaration
Please print: Bob King fres but Save Our San Jan Comment: 505Bob King &
It would be worther the effort for Callons To do an EIR just from the PR and good community relations along.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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Please print: Name:	PATRICK GOOKHECHT JAN JUAN CAPISTAN
Comment:	Patricke
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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6-142





Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Name: (ひん FEE2GC
Maine. Tany residuo
Comment:
I WOULD LIKE TO SEE EXISTING WALLS OF THE TYPES PROPOSED OF CLASS (LIGHT PENETRATION) SIMULATED ROCK SUMP BLOCK VENEER. ARE THEY CURRENTLY IN USE SUME WHERE IN THE AREA?
RON FRETTO 31261 VIA CUARTEL SIC 92673
RFECZ @(
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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	Initial Study with Proposed Mitigated Negative Declaration
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supporting tech 3337 Michelson Services Office El Camino Rea	MENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and hnical studies are available for review and comment at Caltrans District 12, in Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning e, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 al. The document can be viewed on line at: .ca.gov/dist12/pdf_previews/74_widening_project.pdf
Caltrans Distric	MMENTS: Provide written comments during the public meeting or mail to at 12 by folding, stapling, and sending this card to the address on the reverse. The ments can be e-mailed to: Lower74_D12@dot.ca.gov.



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: 0.10 has Box 1. 112 6733
Please print: Debbie Brewington 212-0733 Name: 31095 Via Sonora, SJC CA 92675 Comment:
31095 Via Sonora, SJC (A 92675
Please do Sound testing at my house
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during the week day truck traffic
I not a holiday or weekend
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to Sleep during this -
of Course the noise level is much
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is temporary:
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Please print: JAMES A. ROGERS
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CONTACT: (HOME) (HOME) (HOME)
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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6-146 Ohme

Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

	Initial Study with Proposed Willigated Negative Declaration
Please print: Name:	Villean Otta
Comment:	31076 DIA Senora SJC, (49267
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supporting techr 3337 Michelson Services Office,	ENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and nical studies are available for review and comment at Caltrans District 12, Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495.

http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

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Please print: Name: DAW UALENTENE
Comment:
31081 UTA SONORA
WOULD APPRECIATE ANOTHER STUDY
FROM OUR BACK YARD, TGTUF YOU GUYS PERMISSION TO ENTER PROPERTY.
7-9 AM DAN VACENTINE
Monda, - Thutela.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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Please print: Sandra Weaver
Comment:
Our town should not have the beauty of
our trees taken away and replaced with
concrete walls. I am opposed to this project,
I am strongly in favor of the tunnel to
being makered under the santa Ana Mauntains.
In Suitzerland, there are eight tunnels under the
Alps allowing quick travel, keeping the scenery
beautiful, and allowing wildlife to keep their habitat.

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf





Please print: Koger Evans Name:
Comment: 30891 Silver Leaf Dr. SJC, CA 92675
1. I do not think enough her been done to presence. The character of the Community in this design
2. I am by not in favor of Sound walls as designed
3. I think the median Should be landsiged. 4. a believe that with effect SR-74 Can
be improved Address the textin 1550es and inprove the appearance that
That you for your effort.
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration	
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Name Tichaitowsky	
Comment:	
This Crtaga wilening project as proposed will run that section of lour special Town.	ì
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	
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Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at:	18
http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	
WRITTEN COMMENTS: Provide written comments during the public meeting or mail to	

Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse.

In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



Please print: Name: Barb Campion
Comment: 31022 Via So Vara
We are very much FOR the widening & Sound wall!
we can not steep at night or en by our beautiful buch yar alling the day! The sound, vibration & pollution is not
Please use the sound absorption wall to allowate the nownce back holes to the people on the North side.
We need to make creege a sate road for all who use
Please plant vegetation to cover the sound wall-there is no view now as it is, our mature trees block any view? People move got to keep their eyes in the risa and not the view any way!

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf previews/74 widening project.pdf



Please print: Name: Margann Tucker
Comment: 28028 Paseo Alba, San Juan Capistrano CA
Comment: 28028 Paseo Alba, San Juan Capistrano CA Please Come test my neighbors homes who Plack the Octega along Soundwall I area
Sunday from mid-morning to hear the very
in a morning, the very noisy land torks
travel the Octob mostly between
sleep. They give me headar hes & cause me
The second secon
De Checked on at Sunny, Sunday -
aren't very many (or no) metercirles
on por weather days.

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf



Please print: / CK Ge S/er	
Name.	
Comment:	
I am very concerned about the impact	to an
this project will cause sife. The neisle	3
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we want be able to walk from our home to	1
the downlow is area, the 25 toot well that	
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Please print: SICAN MERCHANT SCLO-1 SUCCEPTED IN STC. ROAD FRONTAGE ON TO Comment:	<i>j</i> "
I AM VERY CONCERNED THAT CROSSING ORTEGAT	160
INTH 4 LAWES OF TRACEIC ON MY HORSE WILL BE IMPOSSIBLE TO DO SAFELYO	
To all the Control of the Control	
THERE IS A TRAIL THEAD - FENCED TRAIL ON AVE SIEGO DIRECTLY ACRESS THE SCREET FROM MY HORSE PROPERTY IN THE WILL - NOT BE ABLE TO GET TO SAFELY.	
HETWELY RIBE THOM IN THE SAU JUAN CREEK, IN MAR	T
FUESTRION TRAIL THAT THEY DON'T USE.	
WE N'APO AN EXPERIEN LIGHT AT SHADERLEE LANE TO	10
ENACIF IS TO SAFELY CROSS TO ROACH THE TRAIL HERD	
THAT CONNECTS TO THE CLEETC. Y (LIKE IN LAGUNA BEACH)	
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and	
supporting technical studies are available for review and comment at Caltrans District 12,	
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Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495	
El Camino Real. The document can be viewed on line at:	
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YOUNG CHILD STHAT WE PUCH IN A STROWER FOR WALKS
TO THE SOCCON FLOW PAST MISSION TRAILS) - THIS IS
NEEDED WITH THE FUTURE PROPOSAL OF 4 LANES AT AN I
INCREASED SPEED. WITHOUT IT, WE WOULD NEVER
GET ACROSS THE HIGHWAY SAFELY.





initial States With 11 oposta Milligator 10 game 12 sector actor
Please print: CURTIS MANNING
Comment:
BUILD IT A.S.A.P. !!! THOUSANDS OF
HOUSES ARE COMING, TENS BE THOUSANDS
OF MORE PEOPLE ARE COMING, ARE WE A
SMART SOCIETY OR A SOCIETY OF IDIOTS.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.



Please print: Oh Vaul (Stay)
Comment:
I am absolutely apposed to This
Tronget and question the idea of
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Condition because undrived
And de se
Todavas anas elas so
withersey miverprining with a
Tun, leads to a desire for more
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf





Please print: DAVID MATTY PL
Comment:
PLEASE DO NOT REMOUE THE TREES & SIDEWALK IN FRONT
THE TREES & SIDEWALK IN FRONT
which is already the same winty
As Ortegy further west
shouldon is not a safe option.
Con you gut the bite that an
thent Club.

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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A CO modern



Name:
The state of the s
Comment:
The project as proposed will destroy the character of STC. Taking out trees of vegetation for sound walls
and retaining walls is counter productive.
The trackic problems are the worst at Antonio PKWI
and at the freeway. Other access to the preeway
needs to be found beside the Ortega exit. Access
Should be through San Clemente and Mission Viejo. Development by Mission Viejo Ranch Should be preceded
by freeway agress through Mission Vier, not only SK.
hy freeway ancess through Mission Viejo, not only STC. It kiwise Ban Clemente should take & some of the
hundan
Real estate values for residents in the area will
Real Estate values for residents in the area will fall for the benefit of puture residents of the new
area.

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf



Please print: Thomas Jones
Comment: The Piner Point precentation mentions
no afternate rinter through San Jap.
what about San Juan Geek Road? What about extending SR 73 to the part
side et town. What about extenduing
- 124 (24) 5001 rovo 10 Uraga .

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

LOUIS VANSMARKEN

Please print:

Name:

Comment:
In Mey 2006, we parkupated in the vote on the proposed soundwalls. As a
howevener on Via Soncea (31053) directly adjoining Ortera, we voted for
SOUNDWAILS, in cluding # 1. THE LEVELS OF SOUND ARE VERY HIGH, MAKING IT VIRTUALLY
IMPOSSIBLE TO KEEP WINDOWS OPEN STARTING AS EARLY AS 4:30 AM DUE TO
HEAVY TRAFFIC ON DRIFGE, IT IS OUR UNDERSTANDING THAT THE MAJORITY OF
HUMELINARIS WHO VUTED WERE IN FAVIR AND APPROVED THE CONSTRUCTION OF SQUAD
WALLS. SINCE THAT VOTE, SUUNDWALL & I HAS BEEN ELIMINATED. THE SAME REASONS
APPLIED TO SULLINALLY 2 AND 3 MUST APPLY TO #1. AND #1 is MORE IMPORTANT
AS MORE HUMES ARE CLUSER TO ORTELA BETWEEN CALL ENTRADELO AND VIA MADEIXA
THAN ALUNG PROPOSED WALL AZ. THE ELIMINATION OF SUUNDWAM & I MAKES NO
SENSE APPLYING THE SAME REASONS FOR SUMPWALLS 2 AND 3 AND IN OUR OPINION
15 YAKUNSZIUN ABG. ADDITIONALLY, THE PROPUSED WIDENING OF CREED WILL ONLY
INCREASE TRAFFIC AND AS A RESULT YOUME LEVELY STATING AT CALL ENTRADERO.
IN E NEED A THOROUGH AND CLEAR EXPLANTATION AS TO THE DECISION MAKING PROCESS
AS IT INVOLVES THE EXCLUSION OF SOUNDWAY I, THE ELIMINATION OF WALL \$1
IS UNACCEPTABLE AND MUST BE RE-VISITED AND VITED UPON BY THUSE MOST
MORTED I.E. THE HOMEQUIVERS IN DIA SONURA.

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf





Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Name:ames + Laurie Allen	
Comment:	
We object strongly to the recommendation to remove the meanders sidewalk and matters over hanging trees between Coli on the North side of the highway between Calle Entraders and Hunt Club Drube. This is the segnature fork of Ortiga Highway within ST. It will be particularly within ST.	MONOTON MANAGEMENT
Addition and trees and add a take line to have the project at cally unnecessants that the project at cally introduce if prefect the act along the trees and there are triens of an already the passionate about returns the beautiful and the passionate about returns the beautiful are form Please din't want taxay	
blin necessary. To you hust do it own	'
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	Same of the contract of the co
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can to itain the beauty along the north	•
Carridor between those two Streets.	



	Please print: Name: Debbie Brewington 3/095 Via Sanora Comment: L'im out of room-Not out of San Juan Cap. Comment: Chirections	
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	Cardova: - See the Lupposed Sound tests? 2. Concerns about our Safety as Thousands of vars	2
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	WOLTER COMMENTS: Provide written comments during the public meeting or mail to	



Dear Cal Trans Representative and Ortega Hwy. Project Manager,

I am writing this letter to say thank you for your plans to build a sound wall along the Ortega Highway where the street is to be widened in San Juan Capistrano. I live in San Juan Capistrano near the Ortega Highway between the cross streets of Calle Entradero and Via Errecarte. For several years, my neighbors and I have desired a sound wall along this stretch of highway. The Antonio Pkwy. road extension and the higher number of trash trucks have increased the noise over the past several years. The noise from the many big rigs and trash trucks is pervasive, even through my dual pane windows. The truck vibrations and rumblings travel right through the windows and the drywall of my house and it wakes me up every morning Monday through Saturday at about 4:30 am.

I was very excited to read that Cal Trans has plans to build a sound wall in this area, but then dismayed to read in the same article that our mayor has asked for these plans to be put on hold. I talked to him last week and he gave me reasons why he didn't like the plans for the wall, stating that the Ortega is a "Scenic Highway", and the wall didn't fit in with the area. I understand his feeling this way, however, plant material such as a creeping fig or some other vine is very effective in covering up a block wall and grows very quickly.

My concern is that if this project is put on hold this wall may never be built. My neighbors and I would very much like noise relief. With the building of the Rancho Mission Viejo project now approved by the Orange County Board of Supervisors, the San Juan Hills High School approved and under construction, and the build out of Ladera Ranch underway, the traffic noise will be infinitely multiplied and unbearable. We really need this sound wall as soon as possible.

Our mayor does not live near the Ortega Hwy., so he may not feel the need and sense of urgency as those of us who live close to it. With increasing truck and vehicular traffic, our duration and quality of sleep is diminishing, stress levels are increasing, and property values will surely drop along this stretch of Ortega Hwy. without a sound wall.

As a footnote, I used to live in Village San Juan along the 73 toll road and 5 Fwy. merger. The freeway noise was very noticeable from my home, but after the sound wall was built, I can barely hear it. Sound walls really are very effective in blocking noise.

I am writing to you to find out how to proceed with this wall as planned, perhaps with some residents' input. It is true that the Ortega is designated as a Scenic Rural Highway, but with all the developer build out and traffic, this has and will continue to change. All other entrances into San Juan have been filled with fast food restaurants, numerous car dealerships, and a huge athletic field with 90 foot light poles and a football stadium currently under construction. None of them are "scenic" or in character with rural San Juan Capistrano. Finally, here is a much needed sound wall that would benefit many residents of our town on a 24 hour a day basis, and we are met with road blocks.

Please let me know at your earliest convenience what steps we residents can take to proceed with the construction of this sound wall in a timely manner.

Thank you very much for your assistance.

Sincerely,

Maryann Tucker

Maryann Tucker

28028 Paseo Alba

San Juan Capistrano. CA 92675

Ph#

___, __nail: mtucker28028@



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: RICHARD SCHWARTZ 17 year Rend	Les
Comment:	
Cal Frang centus an annousement stating	
the proposed project will not significantly affect	.
The fitture holds in store for us 14,000	
homes to be built in the next ten years, whey	The Constitution of the Co
to move the future trafficaway from our	•
net of any further air or garlage pellettion +	12
Shows are being considered to be remarked there	4
gold our small town ambience feeling fraver	, -
Through the courts, Seave us alone !!!	
We want less noise pollution traffer, congestion,	
and leave it at it is	~
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf	

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Public Comment Card
State Route 74 Lower Ortega Highway Widening

Initial Study with Proposed Mitigated Negative Declaration
Please print: H. JAMES BREWINGTON PASTOR
Comment:
FROM ENTEDERO TO VIA CORDONA TO SNIELD THE
FROM ENTEDERO TO VIA COPONA TO SNIELD THE
SOTIOCA. THE REASONS FOR THIS MEED ARE
OSVIOUS, AT PEAST TO THE RESIDENTS, AND THE
REASONS WILL INCREASE IN MUMBER AND
INTENSITY AS THE HIGHWAY IS W. DENED.
TEMPLY YOU FOR CONSIDERINE AND ACTINE IN
ACCORDANCE WITH THE WILL OF THE PEOPLE
- geen gr
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and
supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning
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Please print: Name: Milton Long
Comment:
I do not think or want ortege to be widered.
I feil La Pata should be put thry to San Clem. +1
relieve traffic congection on Ortegen Hory.
our Eastern City will be ruined if Ortego
15 Widened.
PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf
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Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print: Name: GAY Snittu
Comment:
What will the process be for land owners whose property will be taken by the windering?
I When Will property owners be contactore?
31 tow will value/compensation be carallated?
51 We her we need a 5top 1.80T at the PLESTERA OF JON JUAN CORPORTOR IT IS PREACH IMPOSSIBLE aim DOW for Neme DEVINESS TO 1.05 to turn left onto areas they when the PORM IS Wideness and traffic and 5 press increase EMILIANT THE highway John and of the coast mod WILL BE VERY CARGEROUS A STOP JUNE IS PREACH WAS SUSSEST Shade Trae Cioque Since The Stop June 15

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf



Please print: Keith O. Ward
Comment:
I line west of the projection Belogd
and the new fig 5 this is fully populated
of Sun Augus (uppetson & well be
fempatte in a leg ways
Deford Time of The years from
liston to 74 safely
I are not against victary that road (74)
block up the troffee sook sally

PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

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ر به به To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661 6-170



Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

In reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractor-trailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

Since the sound studies were done in our neighborhood in January, 2004, the houses between Calle Entradero and Via Cordova have been re-roofed from their original sound-absorbent wood shake to noise-reflecting metal and concrete. This material causes the sound waves to reverberate and amplify in our neighborhood considerably more than the old shake roofs. The neighborhood is much louder than it was 3 years ago in 2004. Some houses were not even measured for sound levels back then that should have been. Our neighbors in those homes can't even open their windows, let alone sit in their front or backyards. Their upstairs bedrooms face the Ortega, they are at eye level, and are 15 feet away from the noisy cars and trucks.

The noise testing needs to be done at the noisiest times of day, not at 9:30 am. The noisiest times are between 4:30 AM and 7:30 AM when the big trucks use the Ortega Highway the most.

The noise monitors need to be placed upstairs in several homes, in other backyards, in the middle of the block on Via Sonora, across the street, in the greenbelt and in my driveway to get a realistic view of our terrible noise problem. Contrary to the noise study reports, there are many houses that will be helped by Soundwall #1. Many of us will be forced to move due to the unbearable noise if we don't get a soundwall. After all, we turned in our soundwall surveys last year with an overwhelming majority stating we want the soundwall. The survey was sent out well after the studies were done. Please do not let us down!

We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much.

Sincerely WA

Andrew Miner 28076 Paseo Alba

55c CA 92675

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To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Oamar 3337 Michelson Dr. Ste 380 Irvine, CA 92612-0661

6-171

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

In reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractor-trailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

Since the sound studies were done in our neighborhood in January, 2004, the houses between Calle Entradero and Via Cordova have been re-roofed from their original sound-absorbent wood shake to noise-reflecting metal and concrete. This material causes the sound waves to reverberate and amplify in our neighborhood considerably more than the old shake roofs. The neighborhood is much louder than it was 3 years ago in 2004. Some houses were not even measured for sound levels back then that should have been. Our neighbors in those homes can't even open their windows, let alone sit in their front or backyards. Their upstairs bedrooms face the Ortega, they are at eye level, and are 15 feet away from the noisy cars and trucks.

The noise testing needs to be done at the noisiest times of day, not at 9:30 am. The noisiest times are between 4:30 AM and 7:30 AM when the big trucks use the Ortega Highway the most.

The noise monitors need to be placed upstairs in several homes, in other backyards, in the middle of the block on Via Sonora, across the street, in the greenbelt and in my driveway to get a realistic view of our terrible noise problem. Contrary to the noise study reports, there are many houses that will be helped by Soundwall #1. Many of us will be forced to move due to the unbearable noise if we don't get a soundwall. After all, we turned in our soundwall surveys last year with an overwhelming majority stating we want the soundwall. The survey was sent out well after the studies were done. Please do not let us down!

We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much.

Sincerely,

alexa frochdo 31112 calle Entradero

Alicia Iraclides

1

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

6-172



Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

In reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractor-trailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

Since the sound studies were done in our neighborhood in January, 2004, the houses between Calle Entradero and Via Cordova have been re-roofed from their original sound-absorbent wood shake to noise-reflecting metal and concrete. This material causes the sound waves to reverberate and amplify in our neighborhood considerably more than the old shake roofs. The neighborhood is much louder than it was 3 years ago in 2004. Some houses were not even measured for sound levels back then that should have been. Our neighbors in those homes can't even open their windows, let alone sit in their front or backyards. Their upstairs bedrooms face the Ortega, they are at eye level, and are 15 feet away from the noisy cars and trucks.

The noise testing needs to be done at the noisiest times of day, not at 9:30 am. The noisiest times are between 4:30 AM and 7:30 AM when the big trucks use the Ortega Highway the most.

The noise monitors need to be placed upstairs in several homes, in other backyards, in the middle of the block on Via Sonora, across the street, in the greenbelt and in my driveway to get a realistic view of our terrible noise problem. Contrary to the noise study reports, there are many houses that will be helped by Soundwall #1. Many of us will be forced to move due to the unbearable noise if we don't get a soundwall. After all, we turned in our soundwall surveys last year with an overwhelming majority stating we want the soundwall. The survey was sent out well after the studies were done. Please do not let us down!

We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much. Sincerely,

South Cataldo

Ed.Th Cataldo 31096 Va Sonosa

Mb 93675

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr. Ste 380 Ervine, CA 92612-0661

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

In reading the Proposed MND regarding the Ortega widening project. I am concerned and upset that Soundwall #1 has been eliminated from the project. I live along that stretch of highway, Calle Entradero to Via Cordova, and my entire house, including all windows, face the Ortega from 150 feet away. I see and hear tractor-trailer trucks, cement trucks, dump trucks and big rigs from my living room and front and back yards. They wake me up every morning at 4:30 am with their low, pervasive, rumbling engine noise. They bother me until the late evening. The noise is very stressful, the loss of sleep unhealthful. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

Since the sound studies were done in my neighborhood in January, 2004, the houses between Calle Entradero and Via Cordova have been re-roofed from their original sound-absorbent wood shake to noise-reflecting metal and concrete. This material causes the sound waves to reverberate and amplify in our neighborhood considerably more than the old shake roofs. The neighborhood is much louder than it was 3 years ago in 2004. Some houses were not even measured for sound levels back then that should have been. My neighbors in those homes can't even open their windows, let alone sit in their front or backyards. Their upstairs bedrooms face the Oriega, they are at eye level, and are 15 feet away from the noisy cars and mucks.

The noise testing needs to be done at the noisiest times of day, not at 9:30 am. The noisiest times are between 4:30 AM and 7:30 AM when the big trucks use the Ortega Highway the most.

The house at 31071 Via Sonora that had 24 hour monitors set up in Jan. 2004 had them placed at the base of the hill (blocking the soundwaves) in their backyard where the sound is not as bad as it is a little further away. The sound travels over the monitors when they are placed at the base of the slope. The monitors need to be placed upstairs in several homes, in other backyards, in the middle of the block on Via Sonora, across the street, in the greenbelt and in my driveway to get a realistic view of our terrible noise problem. Contrary to the noise study reports, there are many houses that will be helped by Soundwall #1. Many of us will be forced to move due to the unbearable noise if we don't get a soundwall. After all, we turned in our soundwall surveys last year with an overwhelming majority stating we want the soundwall. The survey was sent out well after the studies were done. Please do not let us down! Build the much needed soundwall!

The future speed limit on the Ortega Hwy was discussed at the Transportation meeting July 11th, 200°. It was suggested that the speed limit could be 50 to 60 miles per hour along the widened stretch of Ortega. This high rate of speed is completely unacceptable. The noise will be even louder, and the road will be less safe than it currently is (which is not very safe at all!), especially with the large number of trucks on the road. The speed limit should remain at 35 to 40 miles per hour through residential San Juan Capistrano continuing to the city limits. There will be many young, inexperienced high school drivers on this road when the high school opens in the fall. Our children's safety is most important.

We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors. Thank you very much.

Sincerely,

Mayam Ducker

Maryann Tucker 28028 Paseo Alba

San Juan Capistrano, CA 92675 (mtucker28028@)

3

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief,

Attn: Iffat Qamar

3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661



Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

After reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractortrailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

Since the sound studies were done in our neighborhood in January, 2004, the houses between Calle Entradero and Via Cordova have been re-roofed from their original sound-absorbent wood shake to noise-reflecting metal and concrete. This material causes the sound waves to reverberate and amplify in our neighborhood considerably more than the old shake roofs. The neighborhood is much louder than it was 3 years ago in 2004. Some houses were not even measured for sound levels back then that should have been. My house should have been measured upstairs from my bedrooms. We can't even open our windows, let alone sit in our backyards. Our upstairs bedrooms face the Ortega, they are at eye level, and are 15 feet away from the noisy cars and trucks.

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much.

Sincerely, James 7. Sectolino Judita S. Bertolino

James T. Bertolino Judith L. Bertolino

31101 Via Sonora San Juan Capistrano

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief,

Attn: Iffat Qamar

3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much.

Sincerely,

Judith L. Bertolino

31101 Via Sonora

San Juan Capistrano

2

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief,

Attn: Iffat Qamar

3337 Michelson Dr, Ste 380

Irvine, CA 92612-0661

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

After reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractortrailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the

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Thank you very much.

Debbie Brewington

910 95 Via Sonora

San Juan Cop., CA 92475

6-176

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

6-177

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and

Thank you very much.

Sincerely,

uranul swaney Suzanne Devaney 28001 Pasco Alba

SJC, CA 92675

2

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much. Sincerely,

LARRY COGNITO

31086 VIA MADONA

STG BAC.

0

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much. Sincerely,

Tomoko Hanneyan 3/132 Calle Entrakerzo 3

2

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr, Ste 380 Irvine, CA 92612-0661

6-180

9

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

In reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractor-trailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

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Thank you very much.

Sincerely,

JOHN Elliott

3/102 CALLE ENTRADERO

SJC 91075

al C Illett

7

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief, Attn: Iffat Qamar 3337 Michelson Dr., Ste 380 Irvine, CA 92612-0661

6-181

Response to the Project Initial Study of the Ortega Widening Project, State Route 74.

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We residents need Soundwall #1 to be put back into the Ortega widening plans for the sake of our health, sleep and enjoyment of our homes, both indoors and outdoors.

Thank you very much.

Sincerely,

William 2. Oth

31076 DIA SOVOIA SJC, CA 92675

WilliAM

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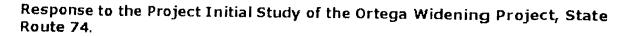
6-182

To: CAL TRANS, Environmental Planning, Smitha Deshpande, Environmental Branch Chief,

Attn: Iffat Qamar

3337 Michelson Dr, Ste 380

Irvine, CA 92612-0661



After reading the Proposed MND regarding the Ortega widening project, we are concerned and upset that Soundwall #1 has been eliminated from the project. We live along that stretch of highway, Calle Entradero to Via Cordova. We hear tractortrailer trucks, cement trucks, dump trucks and big rigs from our living areas and front and back yards. They start at 4:30 am every morning with their loud, low, engine noise. They don't cease until the evening. The noise is very stressful, the loss of sleep unhealthful. It takes a toll on one's health and well being. The existing wall is only 2.5 feet tall separating the houses from the Ortega Hwy. It blocks none of the noise.

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Thank you very much.

Sincerely, Craus To Antonio Lopez 31075 VIA SONORA SAO JUAN CAPO 92675

1/11/26



Public Comment Card State Route 74 Lower Ortega Highway Widening Initial Study with Proposed Mitigated Negative Declaration

Please print:

	Name: Chip Deson 3/05/ Via Solana 60/-10/0
entinual disregard for the people who have to live with this mess long after its completion. The lifestile & property devaluing to Se vesidents is hose, while Cal Truns addresses traffic issues that is not even ours! Focus should be expanded to find comprehensive	
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PUBLIC COMMENT PERIOD: July 10, 2007 to August 9, 2007. The Initial Study and supporting technical studies are available for review and comment at Caltrans District 12, 3337 Michelson Drive, Suite 100, Irvine, CA; the City of San Juan Capistrano, Planning Services Office, 32400 Paseo Adelanto; and the San Juan Capistrano Regional Library, 31495 El Camino Real. The document can be viewed on line at: http://www.dot.ca.gov/dist12/pdf_previews/74_widening_project.pdf

WRITTEN COMMENTS: Provide written comments during the public meeting or mail to Caltrans District 12 by folding, stapling, and sending this card to the address on the reverse. In addition, comments can be e-mailed to: Lower74_D12@dot.ca.gov.

ATT.

Tuesday, July 24, 2007 Transcript of Public Comments

PUBLIC MEETING IN RE: CALTRANS
PROPROSED PROJECT TO WIDEN SR-74

TUESDAY, JULY 24, 2007
25601 CAMINO DEL AVION
SAN JUAN CAPISTRANO, CALIFORNIA
6:01 P.M. - 7:52 P.M.

TRANSCRIPT OF PUBLIC COMMENTS

MARY E. PIERCE, CSR 6143 07-157 MRS. CARLEEN LOCKE: Well, I suppose we're against this project. We think it's not thought out properly.

It's not benefiting our community at all. Widening the street is probably necessary because it is a four-lane road going into two lanes, but the way you're doing it just is making a mess of everything and taking out the trees, taking out the sidewalk, putting up the sound 13, 14 walls. It's just totally unacceptable.

For those of us that live on the north side of Ortega Highway, without signals in there, we're not going to be able to get in and out of where we live because excess traffic is going to be a mess.

Right now it's not too bad because Ortega highway is closed to the mountains. When they open that again -- we can't make left turns. We can barely make right turns out there. And if you're going to add more traffic to that road, we're going to be boxed in.

easily. We live in a mobile home park there, and there are lots of emergency vehicles coming and going, and a minute or two either way can make a lot of difference to someone who is having an emergency. And if they get bogged down in traffic, they're not going to be able to make it in time.

And also, senior citizens in there don't drive that well. Bad enough to have to make left-hand turns they do now, but with increased traffic, I think somebody's going to get hurt very seriously.

We definitely are against taking the trees and \\7 things out along there, making it an ugly highway. And we \\7 all feel that it's not right for San Juan to bear the burden of the traffic from the homes that are on the inland area that have been built without any regard for how they're going to get to and from where they're supposed to go.

Should have thought out the roads before they decided to build. And they should find other roads to take some of that traffic, not do it five, ten years from now. They need to be done now.

MR. CHARLES LOCKE: On the north side of Ortega

Highway, they want to cut down where just a horse trail

would be left. There would be no sidewalk for people to

walk down the street on the north side. South side would

have the sidewalk.

MRS. CARLEEN LOCKE: Well, I think it's dangerous.

Don't think anybody who has a horse is going to want to

ride their horse that close to the highway. They would be

frightened. I think it will be very dangerous. You can't

cross the street on foot there anymore.

MR. CHARLES LOCKE: Building 14,000 homes just east of Antonio Parkway, it's going to create a tremendous amount of traffic on top of what we have already. And the widening of Ortega Highway going to Lake Elsinore, it's going to be a nightmare.

environmental impact report made that we requested from the State, not the one that Caltrans is doing. And we want a solution to the traffic, not dump it on Ortega Highway. We'll take some of it. We don't think we should take all of it where those other people are coming from someplace else.

MR. CHARLES LOCKE: The comment is with traffic coming from Elsinore into San Juan Capistrano, it's not going to hit the main street of San Juan. It's going to stop at I-5 and go under the freeway.

So it's not benefitting San Juan Capistrano one iota. Just making a burden for us.

MRS. CARLEEN LOCKE: Won't be shopping or doing business here. They're just passing through. So they're making a tunnel out of our street for the benefit of these other people.

MS. GAY SMITH: I have a property that fronts on Ortega Highway within city limits, and I think that we

7-3

need a stop sign on the east end of town where this widening is going to be because right now, it is nearly impossible for homeowners or for residents to access the highway. You can't turn left. You can barely turn right coming out of any other side streets.

So I think that we need to do something with -the widening may be inevitable. We need to do something
to stop that slowdown to the flow of traffic so homeowners
and residents can get onto the road.

I am curious to know how Caltrans is going to reimburse those of us whose properties are going to be taken by the right of eminent domain or whatever they call the taking of property. I want to know how compensation is going to be calculated, when we're going to be contacted, and how the value is going to be determined.

MR. MIKE VANNI: We live here at Mariner's Village just off of Del Obispo, and my, I guess, question to Caltrans is do they know that there is a speed trap on Ortega Highway just about every day right across from the Hunt Club almost? And if there is a speed trap on Ortega Highway, what does that tell a person?

To me, it tells me that the traffic is moving too quickly, so the Sheriff's Department has to station somebody there to slow it down, which means that there's

at this time no present need for widening of Ortega Highway there.

Where there is a need to help Ortega out right now is on the corner of Antonio and Ortega Highway, which they're widening out, and at Ortega and the freeway where the on ramp and off ramp need to be redesigned and a new one built before they ever really consider widening Ortega Highway would be my opinion.

MS. CARLA HICKEY: We have a second place out Ortega Highway, and so I commute in typically on Monday mornings from Rancho Corrillo. Coming in Ortega from Rancho Corrillo in the morning rush hour traffic, there's no stopping from Antonio Parkway to Via Entradero. There's no slowdown. It goes fast there. I don't see a need for widening that at all.

I think once the Rancho Mission Viejo community goes in years from now and once the freeway is widened, then they may need to widen Ortega, but not now. And once the freeway on and off ramps are widened and redesigned, then Ortega might need to be widened. Not now.

MRS. LAURIE ALLEN: I just want to formally object to the portion of the project that goes from Calle Entradero to the Hunt Club. It doesn't seem necessary for

them to even be working on that part of road given that it's already four lanes.

My second objection is if they are going to work on that part of the road, they've chosen to take the land from the most beautiful side of the road with curving sidewalks and overhanging trees. So in essence, they're going to eliminate all of the trees in that area and they're going to end a curve -- suddenly end a curving sidewalk that starts further up the road towards the 5.

MR. JIM ALLEN: My position is a bit broader. I question the whole project because you're taking more cars, and they will end up in the center of San Juan Capistrano, which will remain the same size that it is now with the same congestion that it has now. And what the project does, it brings in more cars into an already super congested place.

I've lived in five states, and whenever a city has faced a problem of city congestion, what do they do?

They don't bring another highway into the city. They bypass it.

So my question is why didn't they look at going from Antonio around San Juan Creek Road and coming in at the third exit in San Juan Capistrano and avoid downtown all together, taking the pressure off of the city,

allowing people still to get to Highway 5, which is clearly the objective of all of this. It's not for the people of San Juan Capistrano. It's for the travelers going through.

So they would still be allowed to go through.

They wouldn't have to go through all the mess downtown San

Juan Capistrano either. Seems like a much better

solution, and that road over there doesn't have the

historic beauty that Ortega Highway has. You wouldn't

have nearly the objections that you have in this room

today because you've got huge shoulders on the road for

most of the road in San Juan Creek Road now.

Coming off of Antonio, you've got a huge open field to start the project with. I think it would be easier and it would save downtown San Juan Capistrano from more congestion.

MRS. MONIQUE REA: I'm a resident of San Juan Capistrano, and I'm totally opposed to the project, all ways and means of it. Widening Ortega Highway will not help traffic. Going to continue to have traffic. We have to think of other ways to divert it.

We have a very special city, a very unique, historic city, and the entrance into that city is part of the aesthetic value of the city, and the project totally

deters from that.

So I'm just voicing my opinion here that I'm against the project of widening the Ortega Highway.

MR. WILLIAM OTTA: William Otta, San Juan Capistrano.

7-9

I live off the Ortega Highway where all the problem area is going on. I'm concerned that two or three months ago at the City meeting, the sound wall was six houses or thereabouts past Via Cordova, and now on the latest publications, it appears that it starts at Via Cordova and they've shortened the sound wall.

All of us neighbors along Via Sonora, we do not want the sound wall shortened. We were hoping, from what we were told, that it was going to be five or six houses west of Via Cordova.

I believe that they should highly consider doing another sound test along our homes on Ortega along Via Sonora. It is very, very noisy with dump trucks, other large vehicles coming down the highway. It's especially noisy from 7:30 to 10:00 in the mornings, as well as 3:00 o'clock to 6:00 o'clock in the afternoon. If feel that this is going to get worse before it gets better. It's noisier now than it's ever been.

7-10

MR. DANIEL VALENTINE: I live on Via Sonora in San Juan Capistrano.

My major concern is when the initial sound study was done, traffic volume has increased steadily since then. So I think we need another sound study done. In the one area on phase one where -- they basically scratched phase one.

When they initially scratched phase one of the sound wall -- we'd like to have another study done, like I said earlier. Also like to have these guys take a look at the traffic signals on Ortega for health and safety issues for residents that live in the Mission Hills district.

MR. DUANE CAIN: Duane, D-u-a-n-e, Cain, C-a-i-n.

Couple of concerns. One is regarding the accessibility to this increased amount of traffic and/or speed trying to get out of the south side of the Ortega. It's difficult now with just the limited amount of traffic we have and less lanes, and I think there should be some incorporation of some type of signal to allow the people south to be able to get on the Ortega easily.

The reference was made where you simply go down one more street west, go onto the Ortega going east, make a U turn from the middle, and I'm thinking that's not quite sensible to make a U turn in traffic that's supposed

to increase in volume and more speed possibly. It seems like an awful way for the person on the south side to be able to get westward on the Ortega.

And it also seems like that any consideration's been made regarding the increased volume of traffic that could be put on Arroyo for those people don't want to take the chance of trying to get on the Ortega and make their left turn from all the intersecting Cordova, Cristal, Errecarte and so forth.

So just seems like there's going to be an awful lot of people trying to take the alternate route paralleling Ortega and yet still not being able to go a distance without coming into traffic of some kind. Those are my primary concerns.

MR. TREVOR DALE: I'm opposed to this project at the present time because it's not part of regional traffic solution. The regional solution is to divert traffic to the north and to the south. If you don't do that, all traffic is coming down Ortega Highway, and in 25 years it will be a level F, same as it is today, and we'll be talking about six lanes, not four lanes.

Now, we're not talking about widening the road. We're talking about taking people's homes. So this widening project is a quick fix, and I'm not interested in

a quick fix. I want a regional solution, and all players need to get together and come up with that, and then we'll talk about widening Ortega Highway.

I'm a 34-year resident, and this is about development and special interests. This is the town I live in, and I plan to live here, and people who live here have a say in what goes through the town.

MR. JAMES CUMMINGS: Basically, I'm in favor of the project as it's been proposed. My concern is that there's not enough highway access, egress in the area of San Juan Capistrano. For example, Avery Parkway does not go through to Antonio. Avery must be opened to Antonio through the Mission Viejo golf course.

It's my understanding speaking with the previous San Juan Capistrano City Manager that the City of Mission Viejo intentionally built the golf course to divert traffic away from Antonio. Caltrans put pressure on the City of Mission Viejo to allow that road to go all the way through to Antonio.

Secondly, San Juan Creek Road must be four lanes from the freeway to La Pata so that traffic will flow smoothly in that area. Also, for the safety of the people living there. They're living in a giant cul-desac. If any major fire or emergency occurs in that area,

access is very, very limited. Again, four lanes should be from La Pata to the freeway.

Third comment. Caltrans should put pressure on the City of San Juan Capistrano, the City of San Clemente to ensure that La Pata from the Ortega Highway to Pico is a four-way highway to allow movement of traffic through and past the La Pata dump area. That needs to be pressed by Caltrans also.

These are the three areas that I feel make the San Juan area safer.

MR. CHARLES REA: I'm opposed to the current plans that are being shown for the widening of Ortega. My belief is that what they're trying to do is create a thoroughfare through the center of our city, and we have a historical city here. Needs to be preserved. They need to be able to find other ways to mitigate traffic by diverting it to over La Pata to the south, San Antonio to the north and disperse it.

I also think that the freeway on ramps that they are planning to change in the future should be done first to see if that would mitigate the traffic problems that they perceive that they have before they go ahead and tear out the center of our beautiful little town.

Sound walls I don't think are going to be

necessary. I don't think it's necessary to have a bike lane on either side of the highway. We have bike trails that parallel Ortega Highway, and bikers can use those. That would save five feet on each side and probably save some of the trees on the widening project.

Overall, I just think there's a better way to do this, and I think we need to take our time in figuring out what that is.

MR. RON MILLER: I think that there needs to be more dialogue on what's gonna be happening for the widening of Ortega. What I would like to see is tapes put up on the height that they're going to be putting these up. Just like when you go to add on a two-story on a property, you put up the stakes and tape it off so the people can see what it does to the view, what it does to the neighborhoods, et cetera, et cetera.

I'd like to see that done along Ortega so that we can see what does a 14-foot sound wall look like, how high is it, what's it doing and where is it going to go.

Maybe they can do some taping and some ribbons and then let us vote.

MS. MARYANN TUCKER: I live along the Ortega Highway where sound wall one was proposed to be built, and now

7-16

they've taken it off the plans, and we would like them to come -- me and my neighbors would like them to come back and test again.

They tested in 2007, January, at 9:30 in the morning. They need to come back and test between 4:30 in the morning and 7:30 in the morning on weekdays to hear all the trucks and the loud low sound waves of the trucks and the reverberations of the trucks.

Also, they need to test on Sunday, on midmorning to midafternoon on a sunny Sunday where there's very noisy motorcycles without their mufflers on. Their bikes are roaring, and it's very jarring. Sound wall would help curb a lot of that noise from the motorcycles and the trucks.

So that's what I have to say. They need to test again.

MS. VICKI GEISLER: I want to make comments

regarding the widening of Ortega Highway impacting the

City of San Juan Capistrano. I would like Caltrans to do

an EIR. I believe that that would show that there is

significant impact to the city itself.

Contrary, from Crown Valley Parkway or Oso

Parkway that also are routes that lead to the freeway,

Mission Viejo, Ladera Ranch all lie on both sides of that

widened street.

San Juan lays at the bottom of Ortega Highway, so its residents lie on the sides of Ortega Highway, but the impact of the business and the culture and the historical value lie at the end of Ortega Highway.

To widen that highway is going to be of unbelievable massive destruction to the City for the noise. They feel a sound wall is going to significantly be able to keep the sound at bay.

I've grown up in Huntington Beach behind a sound wall that they put in behind our home because they built -- that's when they built the 405 freeway, and given the time, which was in the sixties, they told us it was the best sound wall that could ever be made and constructed, and it still impacted us where we heard the noise and the blowing of horns all day and all night.

So I don't believe anybody else in Caltrans when they say that that this new sound wall is going to keep the sound down. It's going to impact us from a cultural standpoint. It's going to change the integrity of the city.

Can't walk down to Rancho Niguel Road. And if we did try to do it on the horse trail, I'd be fearful on a big freeway/highway that's going to be like that. The emissions out, it's going to plummet our prices on our

homes, which our home's being used as a retirement investment for us when we retire, and it's going to do immeasurable damage to the historical values of the community and that the integrity of this small community cannot be impacted like that. It will destroy the city just for the means of flowing traffic.

MS. SANDRA WEAVER: I've lived in San Juan for more than 20 years. I don't believe that our trees and our it sidewalks should be cut out and the sound walls built for traffic that's being generated outside of our city.

I'm in very strong favor of the construction of a tunnel under the Santa Ana mountains. I was in Switzerland three summers ago. They have eight tunnels under the Alps. The traffic flows quickly, the scenery is beautiful, the wildlife have their habitat, and I believe we can do that here.

(Whereupon, at 7:52 p.m., with no further public comments to be heard, the meeting was concluded.)

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7-18

STATE	OF	CALI	FORNIA)	
)	ss.
COHMIN	Z OF	LOS	ANGELES)	

I, MARY E. PIERCE, CSR 6143 and Deposition Officer for the State of California, certify:

That I attended the foregoing meeting and that all comments made to me at the time of the public meeting were recorded stenographically by me and that the foregoing is a true record of all comments made at the time thereof.

I hereby certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have subscribed my name this lst day of August, 2007.

Certified Shorthand Reporter in and for the State of California

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